



*Planning & Development
4385 Pecan Street
P.O. Box 39
Loganville, GA 30052*

Proposal Packet for Retail Package Store

Selling Distilled Spirits

1. The completed application **MUST** be returned in a sealed envelope.
2. The sealed envelope **MUST** contain one complete physical copy and one complete digital copy in PDF format of the application.
3. The sealed envelope **MUST** contain a receipt for fingerprinting from the Walton County Probate Court for each applicant.

This Packet Contains

Alcohol Application
Alcohol Ordinance



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Instructions and Conditions for Applying for a License to sell Alcohol

City of Loganville, Georgia

- 1. Application Completion:** Every question must be fully and correctly answered, typewritten or legibly hand printed. Do not use initials. Spell out all names. Failure to do so may result in the denial or, if granted, the later revocation of a license. If the space provided is not sufficient, answer the question on a separate sheet and indicate in the space provided that a separate sheet is attached. (Ord. 4-56d)
- 2. Misleading, omitting or obsolete information.** (Ord. 4-56p)
 - a) Any untrue or misleading information contained in or material omission left out of an original or renewal application for an alcoholic beverage license shall be sufficient cause for the denial thereof.
 - b) Any information that changes or otherwise becomes obsolete shall be reported immediately.
 - c) When any license is issued on the basis of an application containing misleading or untrue information or on the basis of omitted or unreported changed material information, such circumstances shall be cause for revocation of same.
- 3. Required Fees:** The required administration/investigation fee of \$200.00 must be submitted when initial application is made to the City of Loganville. Upon approval of the application, all additional fees must be tendered prior to issuance of license. See fee schedule for required fees. Fees must be submitted in the form of check, cash, or money order. Additional fees will be charged throughout the year for transfer in ownership, transfer in location, change of registered agent or manager. See ordinance for the required fee according to the change. (Ord. 4-56q)
- 4. Distance:** The applicant shall be responsible for determining that distance of the proposed licensed location is in compliance or is in non-compliance with the distance requirements to the City of Loganville Alcohol Ordinance. Attach provided form for certified report of survey from a registered land surveyor or professional engineer. A current certified plat from a registered surveyor may be required to confirm the distance. (Ord. 4-56l3)
- 5. Zoning:** No license **shall** be issued except in the zones as defined by applicable local zoning ordinance. Contact the City of Loganville Planning and Development Department, 4385 Pecan Street, Loganville, GA 30052, (770) 466-2633 for zoning questions. (Ord. 4-66)
- 6. Facility:** The applicant shall be responsible for filing plans for review with the planning and development department and obtaining required building inspections. Contact the City of Loganville Planning and Development Department, 4385 Pecan Street, Loganville, GA 30052 OR (770) 466-2633 for occupancy requirements or other inspection questions. (Ord. 4-58a1)
- 7. Corporations:** All corporate applicants, without regard to the number of stockholders, shall list the names and addresses of the officers of the corporation and of any shareholder holding at least a 20% interest in the business. In addition, they shall name a manager whose name shall appear on the license issued to the corporation. The corporation shall provide the name and address of the manager who shall be the individual who does in fact have regular, managerial, and supervisory authority over the business conducted on the licensed premises. In addition, the manager shall be an agent for service for the corporation in addition to all other methods allowed for serving a corporation by the laws of Georgia. (Ord. 4-1)



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8. **Incorporation:** Submit certificate of incorporation if a corporation. (Ord. 4-1, 4-56a, c)
9. **Identification:** Information requested concerning applicants and stockholders are for investigation purposes only.
10. **Criminal History Consent Forms:** Georgia Crime Information Center Council (GCIC) rules require that the enclosed consent form be completed, signed and notarized prior to any information being accessed for release of criminal history investigations by the Walton County Probate Court in reference to your application. This information is available in chapter 140-2-04 of the Rules of the Georgia Crime Information Center Council Practice and Procedure. A separate form must be completed for each Applicant, corporate officer (if applicable), registered agent (if applicable), and general manager; each shall sign a consent form which shall authorize the City to obtain and review a criminal history background check on such individual. **EACH PERSON REQUESTING FINGERPRINTS MUST TAKE THE BLANK FORM TO THE WALTON COUNTY PROBATE COURT AND FILL IT OUT IN FRONT OF THE NOTARY.** (Ord. 4-56c3 & 4-56g2)
11. **State and Federal Regulations:** A state alcohol license is also required before alcohol can be sold. Please contact the Georgia Department of Revenue for their requirements, fees and application: GA Department Of Revenue, Registration, P. O. BOX 740001, Atlanta, GA 30374-0001. Phone (404) 651-8651 or (404) 417-4490. Contact the Federal Alcohol, Tobacco, and Firearms Licensing Department for their requirements. Federal ATF, Licensing Department, 2600 Century Center Parkway, Atlanta, GA. 30345. Phone (404) 679-5040 or (404) 679-5130. (Ord. 4-72d11)
12. **State License:** A state alcoholic beverage license must be obtained by the applicant in order for the license issued by the City of Loganville to be valid. Failure of the licensee to obtain a state license before beginning operation on the premises shall be an automatic forfeiture and cancellation of the license issued by the City of Loganville, and no refund of license fees shall be made to the licensee. If a State Alcoholic Beverage License is revoked by the state, then the license issued by the City of Loganville shall be automatically revoked and void effective as of the date of such revocation. (Ord. 4-55g)
13. **Employee Training.** All applicants and existing licensees shall ensure that employees are properly trained to prevent intoxication, drunk driving, underage drinking, and other alcohol-related problems. (Ord. 4-56f)
14. **OATH:** When completed, the application must be dated, signed, and verified under oath. (Ord. 4-56c & 4-56o)
15. **NO INDEBTEDNESS:** Prior to submitting the application, the applicant and licensee must be in good standing with the City of Loganville, having all outstanding taxes, fees , utility bills and other charges payable to the City of Loganville paid in full. (Ord. 4-56j)
16. **Application Return and Information:** The application must be returned in a sealed envelope. The sealed envelope must contain one complete physical copy and one digital copy in PDF format. The application must have a copy of the receipt from the Walton County Probate court for the fingerprinting of each applicant.

Location Address:
City of Loganville
Planning and Development
4385 Pecan Street
Loganville, GA 30052
Phone Number: (770) 466-2633

Mailing Address
City of Loganville
Planning and Development
PO Box 39
Loganville, GA 30052
Fax Number: (770) 554-5556



Planning & Development
4385 Pecan Street
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APPLICATION FOR LICENSE TO SELL ALCOHOLIC BEVERAGES

Date of Receipt of Application: _____

The undersigned applicant hereby applies to the City of Loganville, Georgia for a license to sell alcoholic beverages in the City of Loganville. A non-refundable two-hundred dollar (\$200.00) fee payable to the City of Loganville must be tendered with the application. (Ord. 4-55d)

1. Type of Applicant (Ord. 4-1)

Individual ☐ Partnership ☐ Corporation ☐ Private Bona Fide Club ☐

2. If the applicant is the owner of the business and the business is solely owned, please fill in section below.

Last Name	First	M.I.	Date
Street Address		Apartment/Unit #	
City	State	Zip	
Contact Number	Birthdate	SSN#	
Date of attached 2x2 photo:		Have you been a resident of GA for the past three years? <input type="checkbox"/> Yes <input type="checkbox"/> No	

3. If the applicant is a partnership, please fill in the section below for each partner of the business.

Last Name	First	M.I.	Date
Street Address		Apartment/Unit #	
City	State	Zip	
Contact Number	Birthdate	SSN#	
Date of attached 2x2 photo:		Have you been a resident of GA for the past three years? <input type="checkbox"/> Yes <input type="checkbox"/> No	

Last Name	First	M.I.	Date
Street Address		Apartment/Unit #	
City	State	Zip	
Contact Number	Birthdate	SSN#	
Date of attached 2x2 photo:		Have you been a resident of GA for the past three years? <input type="checkbox"/> Yes <input type="checkbox"/> No	

Last Name	First	M.I.	Date
Street Address		Apartment/Unit #	
City	State	Zip	
Contact Number	Birthdate	SSN#	
Date of attached 2x2 photo:		Have you been a resident of GA for the past three years? <input type="checkbox"/> Yes <input type="checkbox"/> No	

4. If the applicant is a corporation, please fill in the section below for each officer, managing member and any shareholder or member holder with at least 20% interest in the business. Corporate applicants must either be incorporated in the state or must have registered to do business in the state through the secretary of state's office.

(Ord. 4-56a5)

Name of Corporation:

Home Office:

Mail Address if Different:

Date of Incorporation:

Place of Incorporation:



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4. Continued (Corporation Information)			
Last Name	First	M.I.	Date
Street Address		Apartment/Unit #	
City	State	Zip	
Contact Number	Birthdate	SSN#	
Office Held	% of Stock Owned		
Date of attached 2x2 photo:	Have you been a resident of GA for the past three years? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Last Name	First	M.I.	Date
Street Address		Apartment/Unit #	
City	State	Zip	
Contact Number	Birthdate	SSN#	
Office Held	% of Stock Owned		
Date of attached 2x2 photo:	Have you been a resident of GA for the past three years? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Last Name	First	M.I.	Date
Street Address		Apartment/Unit #	
City	State	Zip	
Contact Number	Birthdate	SSN#	
Office Held	% of Stock Owned		
Date of attached 2x2 photo:	Have you been a resident of GA for the past three years? <input type="checkbox"/> Yes <input type="checkbox"/> No		
5. If the applicant is a bona fide private club, please fill in the section below			
Date of Organization:		Number of Regular Due Paying Members:	
Is any member, officer, agent or employee directly or indirectly receiving, in the form of salary or other compensation, any profits from the sale of alcohol beyond a fixed salary? Yes <input type="checkbox"/> No <input type="checkbox"/>			
6. Please list the information of each officer, agent or employee below			
Last Name	First	M.I.	Date
Street Address		Apartment/Unit #	
City	State	Zip	
Contact Number	Birthdate	SSN#	
Office Held	Date of attached 2x2 photo:		
Have you been a resident of GA for the past three years? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Last Name	First	M.I.	Date
Street Address		Apartment/Unit #	
City	State	Zip	
Contact Number	Birthdate	SSN#	
Office Held	Date of attached 2x2 photo:		
Have you been a resident of GA for the past three years? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Last Name	First	M.I.	Date
Street Address		Apartment/Unit #	
City	State	Zip	
Contact Number	Birthdate	SSN#	
Office Held	Date of attached 2x2 photo:		
Have you been a resident of GA for the past three years? <input type="checkbox"/> Yes <input type="checkbox"/> No			



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7. General Manager Information

Last Name	First	M.I.	Date
Street Address		Apartment/Unit #	
City	State	Zip	
Contact Number	Birthdate	SSN#	
Date of attached 2x2 photo:		Have you been a resident of GA for the past three years? <input type="checkbox"/> Yes <input type="checkbox"/> No	

8. Interest in Business: (Ord. 4-56c1)

List the names and addresses of each person having at least a 20% financial interest in this business by way of ownership of building, stock, and receipt of income or otherwise. Whether any such person, or any member of such person's family has any interest in any other business which sells alcoholic beverages, either by the drink or by the package, and if so, the name, address, type of business of such business.

Last Name	First	M.I.
Street Address		Apartment/Unit #
City	State	Zip
Contact Number	Birthdate	SSN#
Office Held		% of Stock Owned
If Applicable: Type of Business:		
Business Location:		

Last Name	First	M.I.
Street Address		Apartment/Unit #
City	State	Zip
Contact Number	Birthdate	SSN#
Office Held		% of Stock Owned
If Applicable: Type of Business:		
Business Location:		

Last Name	First	M.I.
Street Address		Apartment/Unit #
City	State	Zip
Contact Number	Birthdate	SSN#
Office Held		% of Stock Owned
If Applicable: Type of Business:		
Business Location:		

9. Holding Other Alcohol Licenses (Ord. 4-64a)

Is there anyone connected with this business who holds another alcohol license in any retail category or any license under any wholesale category?
☐ No ☐ Yes (If yes, please explain on an attached sheet)

10. Licensee Information (Must qualify as applicant or manager) (Ord. 4-56)

Last Name	First	M.I.
Contact Number	Birthdate	SSN#
Date of attached 2x2 photo:		
Have you been a resident in the State of Georgia for the 3 years preceding the date of this application? Yes <input type="checkbox"/> No <input type="checkbox"/>		



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10. Continued (Licensee Information) (Ord. 4-56)

Current Address of Licensee

Street Address				Apartment/Unit #	
City	State	Zip	Dates from:	To:	

Address for 10 Years Prior of Licensee

Street Address				Apartment/Unit #	
City	State		Zip		
City	State	Zip	Dates from:	To:	

Street Address				Apartment/Unit #	
City	State	Zip	Dates from:	To:	

Street Address				Apartment/Unit #	
City	State	Zip	Dates from:	To:	

11. Registered Agent Information (Ord. 4-56c)

Last Name	First	M.I.	Date
Contact Number	Birthdate	SSN#	

Date of attached 2x2 photo:

Have you been a resident in the State of Georgia for the 3 years preceding the date of this application? Yes ☐ No ☐

Have you been convicted, within the ten years preceding his nomination, of any felony of any kind or any misdemeanor relating to an alcoholic beverage business or any state law or county or municipal ordinance violation relating to any alcoholic beverage business? ☐ No ☐ Yes (If yes, please explain on an attached sheet) (Ord. 4-56k2)

Current Address of Licensee

Street Address				Apartment/Unit #	
City	State	Zip	Dates from:	To:	

Address for 10 Years Prior of Licensee

Street Address				Apartment/Unit #	
City	State	Zip	Dates from:	To:	

Street Address				Apartment/Unit #	
City	State	Zip	Dates from:	To:	

Street Address				Apartment/Unit #	
City	State	Zip	Dates from:	To:	

12. Criminal History (Ord. 4-55g2)

- a. Has any applicant been convicted or have entered a plea of nolo contendere within the ten years immediately preceding the date of application for any felony or have violated any federal, state, city or county law or regulation regarding alcoholic beverages and illegal drugs, their sale, consumption, distribution or manufacture. This prohibition shall also apply to the general manager who shall have managerial and supervisory authority over the location for which a license is sought. In those instances involving partnerships, this prohibition shall apply to all partners. In those instances involving corporations, this prohibition shall also apply to the corporation's officers and registered agent. (Ord. 4-55g2)
- ☐ No ☐ Yes (If yes, give full details on separate sheet, including dates, charges and disposition)



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12. Continued (Criminal History) (Ord. 4-55g2)

- b. Is there anyone connected with this business that has been convicted within ten years immediately prior to the filing of this application with any felony or for whom outstanding indictments, accusations or criminal charges exist charging such individual with any of such offenses and for which no final disposition has occurred?
☐ No ☐ Yes (If yes, give full details on separate sheet, including dates, charges and disposition)
- c. Is there anyone connected with this business that has been convicted for selling alcohol to an under-age person within the last three (3) year period?
☐ No ☐ Yes (If yes, give full details on separate sheet)
- d. Is there anyone connected with this business that is an official or public employee of the City of Loganville, any County, any State or Federal Agency and whose duties include the regulation or policing of alcoholic beverages or licenses, or any tax collecting activity?
☐ No ☐ Yes (If yes, give full details on separate sheet)

13. Prior Alcohol License History (Ord. 4-56m3)

Has the license representative or any individual listed on the application or partner ever had an alcoholic beverage or business license suspended or revoked by the state or any political subdivision thereof, including the city. ☐ No ☐ Yes (If yes, please explain on an attached sheet)

14. Business Information

Business Trade Name			
Street Address		Apartment/Unit #	
City	State	Zip	
Local Phone Number	Home Office Phone Number		

15. Business Mailing Address

Street Address		Apartment/Unit #	
City	State	Zip	
Local Phone Number	Home Office Phone Number		

16. Ownership of Land and Building (Attach a Copy of Proof of Ownership or Lease) (Ord. 4-58a6 & 4-56c4)

Last Name	First	M.I.
Street Address		Apartment/Unit #
City	State	Zip

17. Building Lease Information (If applicable) (Ord. 4-56c4)

Amount of Rent: Interval: Monthly ☐ Annual ☐ Quarterly ☐

18. Does the completed or proposed building comply with:

a. The Ordinance of the City of Loganville	<input type="checkbox"/> Yes <input type="checkbox"/> No
b. County Health Regulations	<input type="checkbox"/> Yes <input type="checkbox"/> No
c. Regulations of the State Revenue Commissioner	<input type="checkbox"/> Yes <input type="checkbox"/> No
d. Laws of the State of Georgia	<input type="checkbox"/> Yes <input type="checkbox"/> No

If no, explain non-compliance and proposed methods to rectify it:

19. Sufficient Lighting

- a. Does the building in which business is to be located contain sufficient lighting so that the building itself and the premises on all sides of the building are readily visible at all times from the front of the street on which the building is located as to reveal all of the outside premises of such building? ☐ Yes ☐ No



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19. Continue (Sufficient Lighting)

- b. Is the building illuminated so that all hallways, passageways and open areas may be clearly seen by the customer therein? ☐ Yes ☐ No
- c. If the answer is "no" to either or both 7a and 7b, please explain proposed methods to rectify the insufficient lighting:

20. Description of the Business Operations (Ord. 4-5611)

What is the nature of the business: Wholesale ☐ Retail ☐ Consumption ☐ Hotel/Motel ☐

Bona Fide Private Club ☐ Other ☐ Explain: _____

21. Consumption on Premises License Information (Ord. 4-56n)

Total Gross Receipts for the Preceding Year of Alcohol Sales:

Total Gross Receipts allocated for the serving of food for the preceding Year:

Number of Permitted Seats (Not Occupant Load):

Percentage of Total Annual Gross Sales from the Preparation of Food or Meals:

Total Square Feet of Space:

22. Retail Package Dealer Information (Ord. 4-102a)

Total amount of inventory at the cost to the applicant (not retail price), of inventory of food, tobacco products, household supplies, or periodicals that values of such items being the same as those indicated in the applicant's annual returns to the county tax commissioner for ad valorem tax purposes (automotive supplies specifically shall not be considered in determining such inventory). \$_____

This requirement shall not apply to applicant for license to sell distilled spirits by the package.

23. License Fees

<input type="checkbox"/> Malt Beverage (Beer) Only	500.00
<input type="checkbox"/> Wine Only	500.00
<input type="checkbox"/> Malt Beverage and Wine Only	1,000.00
<input type="checkbox"/> Distilled Spirits, Malt Beverage, and Wine	4,500.00
<input type="checkbox"/> Wine Tasting Only	100.00

24. Additional Information Checklist

- ☐ Attach a blueprint or scaled drawing of business facilities (Ord. 4-5612, 4-58a)
- ☐ Attach a Certified Land Survey (less than 30 days old) (Ord. 4-5613)
- ☐ Attached of Copy of the Alcohol Price List (Ord. 4-121c)

25. Notice of Application (Attach a Photograph of Posted Sign) (Ord. 4-57)

The applicant shall cause to be placed upon the location of the proposed premises to be licensed, stating the names of owners and address of the applicant, type of license applied for and the business name and location applied for. Said signs shall be posted at the location within five days of submission of the application and must remain in place until a final determination has been made on the license. The size of the required sign is six (6) square feet.



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Oath of Application

(Ord. 4-56c)

Please note: Before signing this statement, check all answers and explanations to see that you have answered all questions fully and correctly. This statement is to be executed under oath and subject to the penalties of false swearing, and it includes all attached sheets submitted herewith.

The oath shall be taken by the applicant and the agent in charge of the establishment if different from or additional to the applicant.

I, _____, solemnly swear, subject to the penalties for false swearing as provided under Georgia Law, all information required in this application and supporting documents for a license to sell alcoholic beverage in the City of Loganville, Georgia is true and correct to the best of my knowledge and further that the applicant will abide by, observe and conduct his business according to the rules and regulations prescribed by the city, the laws of the state pertaining to alcoholic beverages and the rules and regulations of the state department of revenue in respect thereto and I fully understand that any false information may cause the denial or revocation of said license.

Signature of Applicant

Title

Date

SWORN TO AND SUBSCRIBED BEFORE ME THIS _____ DAY OF _____ 20_____

NOTARY PUBLIC (SEAL)



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REGISTERED AGENT CONSENT FORM

(Ord. 4-56k)

Business Name: _____

Location Address: _____

I, _____, do hereby consent to serve as the Registered Agent for the license, owners, officers, and/or directors and to perform all obligations of such agency under the Alcoholic Beverage Ordinance of the City of Loganville. I understand the basic purpose is to have and continuously maintain in the City of Loganville a registered agent. As the registered agent and representative of the applicant I understand that I am to receive all communications, notices, services or process or other papers or documents on behalf of the applicant in connection with any matter arising out of or connected with the issuance, holding, suspension, revocation or other action with respect to any city license.

This _____ day of _____, 20_____.

Signature of Agent _____

Typed/Printed Name of Agent _____

Typed/Printed Agent's Home Address _____

Typed/Printed City, County, State, and Zip Code _____

SWORN AND SUBSCRIBED BEFORE ME THIS

_____ DAY OF _____, 20_____

NOTARY PUBLIC



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Verified Statement of Receipt of Alcohol Ordinance

(Ord. 4-56k)

As a prerequisite to the issuance of any new license under this chapter and as a prerequisite to the issuance of a renewed license under this chapter, all applicants and existing licensees shall be required to execute and deliver to the city a verified statement indicating receipt of this Code relating to alcoholic beverages.

☐ Applicant ☐ Licensee

Last Name	First	M.I.
-----------	-------	------

Street Address	Apartment/Unit #
----------------	------------------

City	State	Zip
------	-------	-----

Contact Number

Business Name

Street Address	Apartment/Unit #
----------------	------------------

City	State	Zip
------	-------	-----

Business Number

I, _____ do hereby have in my possession a copy of the City of Loganville, Alcohol Ordinance.

Executed the _____ day of _____, 20____.

Signature

Printed Name

Subscribed and sworn before me on this _____ day of _____, 20____.

Notary Public

My Commission Expires On

SEAL



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Affidavit of Ownership or Lease (Ord. 4-56c6)

Owner Information

Last Name	First	M.I.
Street Address	Apartment/Unit #	
City	State	Zip
Contact Number		

Lessor Information

Last Name	First	M.I.
Street Address	Apartment/Unit #	
City	State	Zip
Contact Number		

Sub Lessor Information

Last Name	First	M.I.
Street Address	Apartment/Unit #	
City	State	Zip
Contact Number		

All persons having any whole, partial, beneficial or other interest in and to the land and building on which the business is located.

Last Name	First	M.I.
Street Address	Apartment/Unit #	
City	State	Zip
Contact Number		

Last Name	First	M.I.
Street Address	Apartment/Unit #	
City	State	Zip
Contact Number		

I, _____ do swear or affirm that information provided above is true and correct.

Executed the _____ day of _____, 20____.

Signature

Printed Name

Subscribed and sworn before me on this _____ day of _____, 20____.

Notary Public

My Commission Expires On

SEAL



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CERTIFIED REPORT OF SURVEY FOR ALCOHOLIC BEVERAGE LICENSE

(Ord. 4-56I & 4-65)

BUSINESS NAME: _____

BUSINESS ADDRESS: _____

1. The undersigned has examined the subject location and has made measurements to determine the compliance or non-compliance with distance requirement pursuant to the Alcoholic Beverage Ordinance of the City of Loganville. The undersigned understands and applied the following criteria in making said determinations:
 - a. For retail consumption dealers, the licensee's premises cannot be located:
 - i. In or within 50 yards of any church grounds;
 - ii. In or within 50 yards of any structure used as a residence at the time of application;
 - iii. In or within 100 yards of the property line of the tract of land on which a school building, school grounds, or college campus is located; or
 - iv. In or within 100 yards of any public library that is on the same side of the street as the proposed location
 - b. For a retail dealer in malt beverages and/or wine by the package, the licensee's premises cannot be located:
 - i. In or within 200 yards of any church grounds;
 - ii. In or within 200 yards of the property line of the tract of land on which a school building, school grounds, or college campus is located; or
 - iii. In or within 200 yards of any retail dealer in distilled spirits by the package
 - c. For retail dealer in distilled spirits by the package, the licensee's premises cannot be located:
 - i. In or within 200 yards of any church grounds;
 - ii. In or within 200 yards of the property line of the tract of land on which a school building, school grounds, or college campus is located; or
 - iii. In or within 500 yards of any other retail dealer in distilled spirits by the package
 - iv. In or within 200 yards of any other retail dealer in malt beverages and/or wine by the package
 - v. Within the same county as any other retail dealer of distilled spirits by the package that is within the City limits and licensed.
 - d. For a wholesale dealer in distilled spirits, malt beverages and/or wine, the licensee's premises cannot be located:
 - i. In or within 200 yards of any church grounds; or
 - ii. In or within 200 yards of the property line of the tract of land on which a school building, school grounds, or college campus is located.

- e. For a bona fide private club, the licensee's premises cannot be located:
 - i. In or within 100 yards of any church grounds;
 - ii. In or within 100 yards of any structure used as a residence at the time of application;
 - iii. In or within 200 yards of the property line of the tract of land on which a school building, school grounds, or college campus is located; or
 - iv. In or within 100 yards of any public library which is on the same side of the street as the proposed location.
2. No person shall sell alcohol, distilled spirits, wine or malt beverages in or within 100 yards of any alcoholic treatment center owned and operated by the State or any county or municipal government therein.
3. No person shall sell alcohol, distilled spirits, wine or malt beverages for consumption on the premises in or within 100 yards of any housing authority property. This subsection shall not apply at any location for which a new license is applied for if the sale of alcoholic beverages for consumption on the premises was lawful at such location at any time during the 12 months immediately preceding such application.
4. With the exception of measuring distances to schools which shall be measured from the property line of the tract of land on which a school building, school grounds, or college campus is located to the front door of the building, or to the nearest portion of the grounds, whichever is applicable, all other distances shall be measured in the following manner:
 - a. From the front door of the structure or partial building unit from which beverage alcohol is sold or offered for sale; thence
 - b. In a straight line, regardless of obstructions, to the nearest public sidewalk, walkway, street, road or highway; thence
 - c. Along such public sidewalk, walkway, street, road or highway by the nearest route; thence
 - d. To the front door of the building, or to the nearest portion of the grounds, whichever is applicable?
5. For the purposes of this Section, the term "non-accessory structure" shall mean any structure located on the school ground, college campus, residential lot, library or alcoholic treatment center which would not be considered an accessory use under the appropriate interpretations of the City zoning ordinance.
6. Notwithstanding anything to the contrary herein, no church that becomes located near or expands into the vicinity of a licensee under this Article shall be entitled to object to the location of a licensee and no license shall be denied because it is within the prohibited footage as set forth above. In addition, no license shall be denied because the location is within the prohibited footage of a temporary church.

State law references: Sale of alcoholic beverages near churches, schools or college campus, O.C.G.A. § 3-3-21.

Zoning district: No license shall be issued under this Article unless the applicant's place of business is located in an area of the City that is zoned commercial as designated by the City's zoning ordinance.



Planning & Development
4385 Pecan Street
P.O. Box 39
Loganville, GA 30052

CERTIFIED REPORT OF SURVEY

(Ord. 4-56L & 4-65)

_____ yards to the nearest residence. Provide name and location below:

_____ yards to the nearest school. Provide name and location below:

_____ yards to the nearest house of worship/church. Provide name and location below:

_____ yards to the nearest public library. Provide name and location below:

_____ yards to the nearest retail dealer in distilled spirits. Provide name and location below:

_____ yards to the nearest retail dealer in malt beverage and/or wine. Provide name and location below:

_____ yards to the nearest alcoholic treatment center. Provide name and location below:

REGISTERED LAND SURVEYOR / ENGINEER CERTIFICATION:

In my opinion, the distances listed above are true and correct.

Seal

Georgia Registered Land Surveyor/Engineer

Number

Date survey was completed _____



Planning & Development
4385 Pecan Street
P.O. Box 39
Loganville, GA 30052

Affidavit Verifying Residency Status of an Applicant Required by the Georgia Security and Immigration Compliance Act

By executing this affidavit under oath, as an application for a City of Loganville Occupation Certificate or other benefit as referenced in the Georgia Security and Immigration Compliance Act (O.C.G.A. § 50-36-1), I am stating the following with respect to my application for a City of Loganville Occupational Certificate.

1) _____ I am a United States citizen

OR

2) _____ I am a legal permanent resident 18 years of age or older or I am an otherwise qualified alien or non-immigrant under the Federal Immigration and Nationality Act 18 years of age or older and lawfully present in the United States. *

In making the above representation under oath, I understand that any person who knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in an affidavit shall be guilty of a violation of Code Section 16-10-20 of the Official Code of Georgia.

Signature of Applicant

Date

Printed Name

*Alien registration number for non-citizens

SUBSCRIBED AND SWORN BEFORE ME ON THIS _____
DAY OF _____, 20____.

Notary Public

My Commission Expires: _____

*Note: O.C.G.A. 50-36-1(e)(2) requires that aliens under the federal Immigration and Nationality Act, Title 8 U.S.C., as amended, provide their alien registration number. Because legal permanent residents are included in the federal definition of "alien", legal permanent residents must also provide their alien registration number.

PLEASE INDICATE THE DOCUMENT VERIFYING YOUR RESIDENCY STATUS AND ATTACH A COPY OF THE DOCUMENT (front and back).

- | | |
|---|--|
| <input type="checkbox"/> I-327 (Reentry Permit) | <input type="checkbox"/> Machine Readable Immigrant Visa |
| <input type="checkbox"/> I-551 (Permanent Resident Card) | <input type="checkbox"/> Temporary I-551 Stamp (on passport or I-94) |
| <input type="checkbox"/> I-571 (Refugee Travel Document) | <input type="checkbox"/> I-94 (Arrival/Departure Record) |
| <input type="checkbox"/> I-688 (Temporary Resident Card) | <input type="checkbox"/> Unexpired Foreign Passport |
| <input type="checkbox"/> I-688A (Employment Authorization Card) | <input type="checkbox"/> I-20 (Certificate of Eligibility for Nonimmigrant (F-1) Student Status) |
| <input type="checkbox"/> I-688B (Employment Authorization Document) | <input type="checkbox"/> DS2019 (Certificate of Eligibility for Exchange (J-1) Status) |
| <input type="checkbox"/> I-766 (Employment Authorization Card) | <input type="checkbox"/> Other (Use Document Description) |
| <input type="checkbox"/> Certificate of Citizenship | |
| <input type="checkbox"/> Naturalization Certificate | |

Applying on Behalf of/Name of Associated Business



Planning & Development
4385 Pecan Street
P.O. Box 39
Loganville, GA 30052

Georgia Bureau of Investigation
Georgia Crime Information Center
(Ord. 4-56c3 & 4-56g2)

Consent Form

I hereby authorize the Loganville Police Department to receive any Georgia criminal history records information pertaining to me which may be in the files of any state or local criminal justice agency in Georgia.

Date: _____

Full Name: _____

Street Address: _____

City / State/ Zip Code: _____

Sex: _____ Race: _____ Date of Birth: _____ Social Security #: _____

Print Name: _____ Signature: _____

Notary Public: _____ Date: _____

SEAL



Planning & Development
4385 Pecan Street
P.O. Box 39
Loganville, GA 30052

Licensee Consent Form
City of Loganville
Alcoholic Beverage License
Criminal History Report (Fingerprinting)
(Ord. 4-56g1)

I hereby authorize the Walton County Probate Court and City of Loganville to receive any criminal record information pertaining to me/applicant, which may be in the files of any state or local criminal justice agency in the State of Georgia.

Full Name: _____

Street Address: _____

City / State/ Zip Code: _____

Sex: _____ Race: _____ Date of Birth: _____ Social Security #: _____

Print Name: _____ Signature: _____

Notary Public: _____ Date: _____

SEAL

NOTE

Please attach a photocopy of the applicant's driver's license or photo id.

- Probate Court requires a \$50.00 fee for all fingerprints.
- This is to be paid in cash or money order.
- This fee is non-refundable.

Please forward Information to
City of Loganville
Occupational Tax Clerk
PO Box 39
Loganville, GA 30052
Phone # 770-466-2633 Fax # 770-554-5556



Planning & Development
4385 Pecan Street
P.O. Box 39
Loganville, GA 30052

Application for Retail Dealers in Distilled Spirits by the Package

Business Location: ☐ Walton ☐ Gwinnett

Requirements (Ord. 4-58)

- | | |
|---|---|
| 1.) Is the building which the business will be located completed or is it proposed? | <input type="checkbox"/> Completed <input type="checkbox"/> Proposed |
| A. Completed Building Requirements | <input type="checkbox"/> Attach detailed plans of the building and outside premises |
| B. Proposed Building Requirements | <input type="checkbox"/> Attach a rendering of the proposed building and site plan. |
| 2.) Sufficient Lighting | <input type="checkbox"/> Attach detailed plans showing sufficient internal lighting that reveals the inside of the store at all times
<input type="checkbox"/> Attach detailed plans showing sufficient external lighting that all building walls and premises are visible at all times. |
| 3.) Building Requirement | <input type="checkbox"/> Free standing building completely and physically separate from any other business activities.
<input type="checkbox"/> The business location cannot be within 250 yards of the Walton/Gwinnett county line.
<input type="checkbox"/> Minimum of 10,000 square feet of conditioned space.
<input type="checkbox"/> Location shall be finished with brick and glass except for incidental metal trim.
<input type="checkbox"/> Ingress and egress for customers and their purchases through a door opening to the outside and facing a public street or public pedestrian area.
<input type="checkbox"/> Proof of Ownership or Lease of Building
<input type="checkbox"/> Security cameras installed to comply with Section 4-134 of the Alcohol Ordinance.
<input type="checkbox"/> Proof of Performance Bond posted with the city with an insurance company as surety in the amount of \$2,500.00
<input type="checkbox"/> Proof of comprehensive general liability Insurance for the licensed premises with coverage of at least \$2,000,000.00 per occurrence, inclusive of personal injury, bodily injury, death and property damage, and an umbrella policy with coverage of at least \$2,000,000.00 per occurrence
<input type="checkbox"/> Proof that the business will maintain a wholesale inventory valued at \$600,000.00
<input type="checkbox"/> Provide Letter of Credit in the amount of at least \$2,000,000.00, per application. |
| 4.) Are there any use restrictions or prohibitions on property or out parcel regarding the sale of alcohol? | <input type="checkbox"/> No <input type="checkbox"/> Yes (If yes, please explain on an attached sheet) |

Chapter 4

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Sec. 4-3	Intent
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Sec. 4-5	Grandfathering
Sec. 4-6	No Sale to Minors
Sec. 4-7	Minors Prohibited from Premises
Sec. 4-8 – 32	Reserved

Article II Dealers and Manufactures

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ARTICLE I. - IN GENERAL

Sec. 4-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcohol means ethyl alcohol, hydrated oxide of the ethyl, or spirits of wine, from whatever source or by whatever process produced.

Alcoholic beverages means and includes, but is not limited to, all alcohol, distilled spirits, beer, malt beverage, wine, or fortified wine.

Applicant means an individual who files an application to obtain any license authorized by this chapter and:

- 1.) If a corporation, may be the president, a vice-president, secretary or treasurer of the corporation or the corporation's general manager at the particular business location. Otherwise, no other individual may qualify as an applicant on behalf of a business. Corporate applicants must either be incorporated in the state or must have registered to do business in the state through the secretary of state's office.
- 2.) If a partnership, each co-owner of the partnership.
- 3.) If an individual proprietor, that individual.
- 4.) If a firm or association, the person with the greatest proprietary interest.

Application means a form supplied by the city for the purpose of applying for any license authorized by this chapter.

Bona fide private club means any nonprofit association organized under the laws of this state which:

- 1.) Has been in existence at least one year prior to the filing of its application for a license to be issued pursuant to this chapter;
- 2.) Has at least 75 regular dues-paying members;
- 3.) Owns, hires, or leases a building or space within a building for the reasonable use of its members, which building or space:
 - a. Has suitable kitchen and dining room space and equipment; and
 - b. Is staffed with a sufficient number of employees for cooking, preparing, and serving meals for its members and guests; and
- 4.) Has no member, officer, agent, or employee directly or indirectly receiving, in the form of salary or other compensation, any profits from the sale of alcoholic beverages beyond a fixed salary.

Building code means and includes all building, plumbing and electrical codes and any other similar technical code of the city.

Business day means a day on which City Hall is open for business.

County line means the boundary between Gwinnett County and Walton County.

Church means a permanent building where persons regularly assemble for religious worship.

Distance means the measurement in horizontal linear feet from the front door of the proposed licensee's premises in a straight line to the nearest public sidewalk, walkway, street, road or highway by the nearest route to the front door of the building or to the nearest portion of the ground, whichever is applicable. For the purposes of this chapter, distances shall be measured along the pedestrian route of travel to and from the premises.

Distilled spirits means any alcoholic beverage obtained by distillation or containing more than 21 percent alcohol by volume, including, but not limited to, whiskey, rum, gin, brandy, vodka, tequila, and fortified wines.

Family means any person related within the first degree of consanguinity or affinity as determined according to civil law.

Fortified wine means any alcoholic beverage containing more than 21 percent alcohol by volume made from fruits, berries or grapes either by natural fermentation or by natural fermentation with other ingredients added, including, but not limited to, brandy.

Hotel means any building or structure kept, used, maintained, advertised and held out to the public as a place where a minimum of 50 sleeping accommodations are offered for adequate pay to travelers and guests, and food is actually served and consumed in one or more dining rooms, having an adequate and sanitary kitchen and minimum seating capacity of 60, such sleeping accommodations and dining rooms being conducted on the same premises.

Individual means a natural person.

Interest in license means an interest held by an owner or co-owner of a license; a partner of a partnership which owns or co-owns a license; a stockholder in any corporation which owns or co-owns a license; an owner, co-owner, lessor, sublessor, partner in a partnership or stockholder in a corporation owning or leasing any real estate on which is located a retail consumption dealer, a retail dealer or wholesale dealer; or anyone sharing in the income or corpus of any trust or estate having such an interest.

License means authorization granted by the city to operate as a retail consumption dealer, retail dealer or wholesale dealer.

Licensee means a person holding a license.

Malt beverage means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops or any other similar product, or any combination of such products in water, containing not more than six percent alcohol by volume, and including ale, porter, brown stout, lager beer, small beer and strong beer, but not including sake.

Motel means any building or structure kept, used, maintained, advertised and held out to the public as a place where a minimum of 50 sleeping accommodations are offered for adequate pay to travelers and guests, and food is actually served and consumed in one or more dining rooms, having an adequate and sanitary kitchen and a minimum seating capacity of 60, such sleeping accommodations and dining rooms being conducted on the same premises.

Package means a bottle, can, keg, barrel or other original consumer container.

Premises means the definite closed or partitioned establishment, whether room, shop or building wherein alcoholic beverages are sold or consumed. The term "premises" shall also include any privately owned or leased courtyard or patio that is architecturally visibly defined.

Principal business, when used in this chapter, means that at least 75 percent of the receipts of such business shall come from the sale of food. To be included in the tabulation of receipts for the purpose of this calculation are all receipts of all persons laboring on the premises, including the services of all independent contractors, performers, servers, entertainers, or other nonemployee personnel not to include, however, persons who are called to the premises from other licensed businesses to perform service, repair or construction on equipment or building premises. For purposes of this chapter the calculations of receipts for alcoholic beverages shall be made pursuant to the scheduling of pricing and the regulations contained therein as required by this chapter.

Private residence means a house, dwelling, condominium or duplex wherein not less than one nor more than two families customarily reside but does not include a mobile home; an apartment house having facilities for the housing of more than two families; a boardinghouse or rooming house where there are five or more boarders; any residence located in a commercially or industrially zoned district; or any residence which has been unoccupied for a period of six consecutive months immediately prior to the filing of an application by a proposed licensee.

Restaurant means a public place selling and preparing food for consumption by the public. Such establishment must own, hire, or lease a building or space in a building for such a purpose. The establishment must also have a suitable kitchen as defined by the appropriate county health and state health regulations and dining room space and sufficient equipment therefor. It must have a full-service kitchen with a three-compartment pot sink, stove or grill permanently installed, appropriate refrigeration equipment, and with a sufficient number of employees for

cooking, preparing and serving meals for its guests every hour which the establishment is open. The establishment must seat at least 50 people or more and derive at least 75 percent of its total annual gross sales from the preparation of meals or food. The establishment must also have a minimum of 1,500 square feet of space, and the establishment must meet all of the minimum building and zoning requirements as provided in applicable ordinances now in force in the city or such ordinances as amended, supplemented or newly acted by the city council.

Retail consumption dealer means any person who sells alcoholic beverages to consumers for consumption on the premises only and not for resale or to go.

Retail dealer or *retail package dealer* means any person who sells alcoholic beverages in unbroken packages to consumers only to go, not for resale and not for consumption on the premises.

School means state, county, city, or church schools and such buildings at such other schools in which are taught subjects commonly taught in the common schools and colleges of this state and which are public schools or private schools as defined in O.C.G.A. § 20-2-690(b).

Seating capacity means the amount of individual seating which is located at tables for the purpose of serving the dining public, but not including any seating located in a bar or other area designated primarily for the serving of alcoholic beverages.

Wholesale dealer means any person who sells alcoholic beverages to retail dealers or other wholesale dealers for resale.

Wine means any alcoholic beverage containing not more than 21 percent alcohol by volume made from fruits, berries or grapes either by natural fermentation or by natural fermentation with brandy added, including, but not limited to, sparkling wine, champagne, combinations of such beverages, vermouth, special natural wine, rectified wine and like products, but not including cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage.

State law reference— Definitions, O.C.G.A. § 3-1-2.
Sec. 4-2. – Reserved.

Sec. 4-3. -- Intent.

The businesses of manufacturing, distributing, selling, handling and otherwise dealing in or processing alcoholic beverages are privileges and not rights pursuant to O.C.G.A. § 3-3-1, and such privileges shall not be exercised within the city limits without full compliance with the licensing, regulatory and revenue requirements of this chapter.

(Ord. of 2-14-2008, § 18-201)

Sec. 4-4. - Authority of city manager.

- (a) The city manager or his/her designee shall review all applications for an alcoholic beverage license for compliance with this chapter. All applicants shall furnish upon request all data, information and records necessary for a complete investigation.
- (b) The city manager or his/her designee shall also have authority to prescribe such forms as it deems necessary for the proper administration of this chapter.

(Ord. of 2-14-2008, § 18-210.1)

Sec. 4-5. - Grandfathering.

- (a) So as to prevent an unconstitutional taking of property, all licensees for alcoholic beverages within the city in compliance with city ordinance requirements involving residency, distance, location, parking and type of building structure in effect at the time of first receiving the licenses and continuing to be in compliance therewith shall be exempt from the additional or new requirements of this chapter involving residency, distance, location, parking and type of building structure. Renewals of such licenses shall also be deemed in compliance hereunder to the extent provided in this subsection.
- (b) Transfers of business ownership at the same location shall be deemed in compliance hereunder with regard to the city ordinance requirements involving distance, location, parking and type of building structure, provided that such business complied with such requirements at the time a license was first issued for such business and further provided that such business has continuously been in compliance with such requirements.
- (c) Business transfers to new locations and new licenses must comply with all requirements of this chapter.

(Ord. of 2-14-2008, § 18-243)

Sec. 4-6. - No sales to minors.

- (a) It shall be unlawful for any person under 21 years of age to buy or allow to be bought for him any alcoholic beverage from any place where these beverages are kept.
- (b) It shall be unlawful for any person in charge of, or employed in any place of business where alcoholic beverages are kept, to permit any person under 21 years of age to buy or to allow to be bought for any person under 21 years of age any alcoholic beverages in or from the place of business.
- (c) It shall be unlawful for any person to furnish or serve any person under 21 years of age with any alcoholic beverage. A valid driver's license, valid state identification card, or valid military identification card may be reasonably accepted by the person hereunder as sufficient evidence of age.
- (d) Any attempt to commit an act made unlawful by this section shall itself be unlawful.
- (e) It shall be unlawful for any person under 21 years of age to falsely represent his age, in any manner whatever, for the purpose of illegally obtaining any alcoholic beverages.

- (f) It shall be unlawful for any person to allow or require a person in his employment under 18 years of age to dispense, serve, sell or take orders for any alcoholic beverage; provided, however, that the provisions of this section shall not prohibit persons under 18 years of age who are employed in supermarkets, convenience stores or drug stores from selling or handling alcoholic beverages which are sold for consumption off the premises.
- (g) It shall be unlawful for any person who is under 21 years of age to have in his possession, or under his control, at any place whatever in the city, any alcoholic beverage, unless otherwise provided by law.
- (h) Violation of any provisions of this section shall constitute an offense hereunder and shall be punishable in the municipal court; provided violation of this section by persons who have not yet reached the age of 17 years shall be handled as provided by law.

(Ord. of 2-14-2008, § 18-223.1)

Sec. 4-7. - Minors prohibited from premises.

- (a) Licensees under this chapter shall not allow minors to be in, frequent or loiter about the licensed premises unless accompanied by an adult.
- (b) This section shall not apply to restaurants, bona fide private clubs, or others whose predominant business is other than the sale of alcoholic beverages, for example, grocery or convenience stores. Nor shall this section apply to minors who are employees of the business.

(Ord. of 2-14-2008, § 18-223.2)

State law reference— Underage persons, O.C.G.A. § 3-3-23 et seq.

Secs. 4-8—4-32. - Reserved.

ARTICLE II – DEALERS AND MANUFACTURERS

Division 1 – Excise Taxes.

Sec. 4-33. – Purpose; tax in addition to other fees and taxes.

- (a) The purpose of this division is to establish a system of excise taxes in conformity with state law in order to maximize the revenue permitted to the city under state law.
- (b) *Taxes nonexclusive.* The excise taxes provided within this section shall be in addition to any license fee, tax or other charge which now or in the future may be imposed upon a licensee selling malt beverages, wine and/or distilled spirits at retail or wholesale within the municipal limits of the city.

Sec. 4-34. – Excise Tax Levied on Wholesale Dealers.

- (a) *Scope of section.* In addition to all other taxes or license fees imposed upon wholesale dealers, there is imposed and levied upon all licensed wholesale dealers engaged in the city in the business of selling malt beverages, wine, and/or distilled spirits to retailers within the city an excise tax for the privilege of doing such business in the city, to be computed and collected as set forth in this section.
- (b) *Basis for computation of tax on malt beverages.*
 - 1.) *Malt beverages—Bulk containers.* All malt beverages including those commonly known as tap or draught beer when sold in or from a barrel or from a bulk container shall be subject to a tax imposed on the wholesale dealer selling such malt beverage within the municipal limits of the city. The tax of \$6.00 on each container sold containing not more than 15.5 gallons and a proportional tax at the same rate on all fractional parts less than 15.5 gallons shall be imposed.
 - 2.) *Malt beverages—Not in bulk containers.* All malt beverages sold in bottles, cans or other containers, except those included in subsection (1) of this section, shall be subject to an excise tax of \$0.05 per 12 ounces and a proportional tax at the same rate on all fractional parts of 12 ounces, which tax shall be levied and imposed on each wholesale dealer selling malt beverages within the city.
- (c) *Basis for computation of tax on wine.*

The tax levied hereunder shall be computed on the basis of \$0.22 per liter for wine sold by wholesalers to retailers within the city. The \$0.22 per liter shall be prorated down on fractional parts of liters, so that each bottle or each individual size container shall be taxed on the basis of \$0.22 per liter.

- (d) *Basis for computation of tax on package sales of distilled spirits.*

The tax levied hereunder shall be computed on the basis of \$0.22 per liter for distilled spirits sold by the package, excluding fortified wine, sold by wholesalers to retailers within the city. The \$0.22 per liter shall be prorated down on fractional parts of liters, so that each bottle or each individual size container shall be taxed on the basis of \$0.22 per liter.

- (e) *Computations, payment, duties of wholesale dealer and distributor.* The tax imposed shall be computed and payable monthly.
 - 1.) *Record Keeping.* Each wholesale dealer or distributor selling, shipping, or delivering wine, malt beverages and/or distilled spirits to any retail dealer in the city, whether delivered to the retail dealer's place of business in the city or elsewhere for resale in the city, shall, as a condition to the privilege of conducting

said business in the city, keep and maintain true and correct records of all sales, shipments or deliveries of alcoholic beverages to each retail dealer in the city. Such records are to be preserved for a period of not less than one year and made available on request for the inspection of any duly authorized representative of the city.

- 2.) *Report requirements.* On or before the tenth day of each calendar month, each wholesaler shall make a verified and comprehensive report to the city which shall correctly show and reflect all sales and deliveries of wine, malt beverages and/or distilled spirits to or for retail dealers in the city for the calendar month immediately preceding the date of said report. Said report shall show the name and address of each retail dealer, the quantities delivered to each retail dealer, the amount of excise tax due under the terms of this section, and such other reasonable information as may be requested by the city. Said report shall be accompanied by remittance payable to the city for all taxes due, as shown on said report.
- 3.) *Penalty for Late Payment.* The excise tax levied in this section is hereby levied upon the wholesaler licensed to do business in the city. In the event the tax due hereunder is not paid on or before the tenth day of each calendar month, a ten percent penalty on the gross tax will be levied by the city against each defaulting wholesale licensee for whom the tax is not paid on or before the tenth day of the month.
- 4.) *False Reporting.* Filing of a false or fraudulent report shall render the wholesale dealer making such report liable for a penalty equal to 50 percent of the amount of the remittance which would be required under a truthful and accurate report, and/or a penalty of \$100.00 whichever penalty is greater.
- 5.) *Noncompliance by wholesale dealer.* If any wholesale dealer fails or refuses to make the reports required herein, the city shall notify such dealer in writing and if the reports are not made and the taxes are not remitted within five days from the date of such notice, the license of such wholesale dealer may be revoked as provided in this article.
- 6.) *Violations.* Any person violating any of the provisions of this section or who shall assist any wholesale dealer in alcoholic beverages in the city to evade or avoid the payment of the taxes herein provided for shall be guilty of a violation of this section and, on conviction thereof in the municipal court, shall be fined or

sentenced as provided by this Code, and any such person so convicted shall also be subject to having his license suspended or revoked.

7.) *Performance bond required.* To ensure payment of the excise tax levied hereby and prior to the issuance of any wholesale alcoholic beverage license in the city, an applicant must post and file with the city manager, along with the license application, a performance bond conditioned upon the faithful observance and performance by the applicant of the rules and regulations contained in this chapter, and upon the payment of any taxes due to the city. Upon the violation of this chapter, or any part thereof, such bond will be forfeited as determined by the public safety committee of the city council at a hearing held for that purpose upon three days' written notice given to the licensee concerned. Bond shall be payable to the city and shall be in the amount of \$1,000.00 and shall be in a form acceptable to the city manager. This bond is required in addition to any other bond required in this article.

8.) *Stamps.* No decal, stamp or other identifying mark shall be required on malt beverages, wine, and/or distilled spirits sold within the city.

(Code 1994, § 18-235)

State law reference— Excise tax on malt beverages, O.C.G.A. § 3-5-80 et seq.; excise tax on wine, O.C.G.A. § 3-6-60 et seq.; Excise tax on distilled spirits, O.C.G.A. §3-4-80.

Sec. 4-35. - Excise tax levied upon sale of distilled spirits by the drink.

- (a) Every purchaser of distilled spirits by the drink within the city limits shall be liable for a tax thereon at the rate of three percent of the retail price or charge for such drink. Such taxes shall be collected by retail consumption licensees hereunder, and such licensees shall remit the tax to the city manager on or before the tenth day of the succeeding month along with a summary of the licensee's gross sales derived from the sale of distilled spirits by the drink for the preceding month. Gross sales shall include all credit card sales, and taxes collected thereon shall be submitted to the city manager in the same manner and to the same extent as required of cash sales.
- (b) Licensees collecting the tax provided for in this section shall be allowed a percentage of the tax due and accounted for and shall be reimbursed in the form of a deduction in submitting, reporting and paying the amount due, if the amount is not delinquent at the time of payment. The rate of deduction should be the same rate authorized for deductions from state tax under O.C.G.A. § 48-8-1 et seq., as provided in O.C.G.A. § 3-4-133.

- (c) Excise taxes levied under this section and received by the city after the 20th day of the month shall be charged a ten percent penalty.
- (d) In the event the city manager deems it necessary to verify the excise tax submitted to the city pursuant to this section, for any month, he or she shall notify the licensee of such need for verification, and the licensee shall submit a verified comprehensive report to the city manager, prepared by an auditor, reflecting all sales under this section by the licensee and the taxes submitted to the city. The licensee shall have 30 business days to submit such a report to the city manager following such a request.
- (e) Failure to comply with any of the provisions of this section constitutes a violation of this chapter and may result in revocation or suspension of a retail consumption or other alcoholic beverage license.

(Ord. of 1-8-2008, § 1(18-245))

State law reference— Excise tax on malt beverages, O.C.G.A. § 3-3-130.

Secs. 4-36—4-54. - Reserved.

Division 2 – Licenses

Sec. 4-55. Required; classifications; fees.

- (a) No malt beverage, wines, spirituous liquors or any other alcoholic beverage shall be stored for sale, delivered, sold or manufactured in the city except under a license issued pursuant to this article and then only for the specific beverage and manner of sale provided in the license.
- (b) The requirements of this article shall be in addition to any other requirements for business licenses under this Code, and if other provisions of this Code conflict with this article then this article shall control.
- (c) Licenses which may be issued under this article are as follows:
 - 1.) Retail consumption dealer, including restaurants, bona fide private clubs, etc.:
 - i. For distilled spirits, malt beverage and wine.
 - ii. For malt beverage only.
 - iii. For wine only.
 - iv. For malt beverage and wine only.
 - 2.) Retail package dealer and/or wholesale dealer:
 - i. For malt beverage only.
 - ii. For wine only.
 - iii. For malt beverage and wine only.

- iv. For distilled spirits, malt beverage, and wine.
- 3.) No retail package dealer or wholesale licensee shall hold any consumption on the premises license for the same location, with the exception of an ancillary Wine Tasting permit addressed in Section 4-71.
- (d) Upon the filing of an application for a new or renewal license pursuant to this Chapter, the Applicant shall pay a fee for such application as established and set forth by the City. The application fee shall cover the costs of advertisement, investigation, and processing of the application, and any other administrative costs related to functions performed by the City in regard to such applications. In addition, the applicant shall pay an annual license fee for each new or renewed license it obtains from the city pursuant to this chapter. Such license fees shall be established by the City from time to time in accordance with the classification of alcoholic beverage licenses as set forth in this Section. Such annual license fee shall not be pro-rated and shall not be refundable except as otherwise set forth in this Chapter.
- (e) If the wholesale dealer's principal place of business is located within the city, the city will levy a license fee in accordance with the classification into which the applicant falls. In addition to the general occupation tax, the wholesale dealer shall also pay a processing fee in the amount established by the city to cover the expenses of investigation and processing. The applications of wholesale dealers located within the city must be approved by the City Manager or his/her designee.
- (f) The annual license fee for a bona fide club, due to its nonprofit status, may be reduced as set forth in the fee schedule established by the city. A bona fide club shall pay the scheduled application or renewal fee at the time it makes application for a consumption license.
- (g) No city alcohol license shall be effective until the licensee also obtains a state alcohol license.

Sec. 4-56. - Application—Filing; form; contents; information.

- (a) *Application/Applicant.* All individuals desiring to obtain a license required under this chapter shall make written application to the City at the City Hall for such privilege upon forms to be prepared and approved by the City. Such applications shall state:
 - (1) The name and address of the Applicant, as that term is defined in Section 4-1 above. The Applicant applying on behalf of a business shall be the owner of the proposed business, if the business is solely owned. If the Applicant is a partnership, the names and addresses of the partners shall be included; if a corporation, the names and addresses of the officers and the managing member, and the names and addresses of any shareholder or member holding at least 20% interest in the business;
 - (2) The name and address of the general manager of the particular business location;

(3) The nature and character of the proposed business to be carried on by the Applicant and the address where the proposed business is to be located;

(4) Any such other information as may be required by Mayor and City Council, the city manager, or the police department, and shall be sworn to by the applicant or agent thereof.

(5) *Corporation* Corporate applicants must either be incorporated in the state or must be registered to do business in the state through the secretary of state's office.

(6) *Hotel or motel.* The hotel or motel must qualify as a restaurant as defined in Section 4-1 in order to apply for a license under this Chapter.

(b) *Information required within 20 business days of request.* All applications for a license under this chapter shall furnish all data, information and records requested by the City, through any authorized officer such as the city manager, and failure to furnish such data, information and records within 20 business days from the date of such request shall automatically serve to dismiss, with prejudice, the application. Applicants by filing an application agree to produce for oral interrogation any persons requested by the city through its duly authorized representative, such as the city manager, chief of police, or mayor and city council, and considered as being important in the ascertainment of the facts relative to the issuance or denial of such license. The failure to produce such persons within 20 business days after being requested to do so shall result in the automatic denial, with prejudice, of such application.

(c) *Information required.* All applications for a new license under this article must be, and applications for a renewal license may be required to be, accompanied by a full and complete statement under oath of information in addition to that information referenced above and including but not limited to:

(1) The names and addresses of each person having at least a 20% financial interest in this business by way of ownership of building, stock, receipt of income or otherwise. Whether any such person, or any member of such person's family has any interest in any other business which sells alcoholic beverages, either by the drink or by the package, and if so, the name, address, type of business of such business.

(2) The name and address for the past ten years of each individual licensee, including the registered agent where necessary.

(3) Each Applicant shall provide his or her birth date; social security number; home and business addresses; home, business and cell phone numbers; and other information as may be requested by the City in the Application. This information also shall be required for the registered agent, if necessary, and the general manager of the particular location for which a license is sought. Each Applicant, corporate officer (if applicable), registered agent (if applicable), and general manager shall sign a consent form which shall authorize the City to obtain and review a criminal history background check on such individual.

(4) The ownership of the land and building where the proposed retail business is to be operated;

(5) The amount of rental to be paid for such land and building and the manner in which the same is determined and to whom and what intervals it is paid;

(6) The names and addresses, by affidavit from the owner, lessor or sublessor of such land and building, of all persons having any whole, partial, beneficial or other interest in and to the land and building on and in which the business is located; and

(7) Any other information called for as part of the Application by the City Manager or his designee.

(d) *Application must be complete.* Each application furnished under this section must be complete in its entirety before being accepted by the City for filing and processing.

(e) *Receipt of Code.* As a prerequisite to the issuance of any new license under this chapter and as a prerequisite to the issuance of a renewed license under this chapter, all applicants and existing licensees shall be required to execute and deliver to the city a verified statement indicating receipt of this Code relating to alcoholic beverages.

(f) *Employee Training.* All applicants and existing licensees shall ensure that employees are properly trained to prevent intoxication, drunk driving, underage drinking, and other alcohol-related problems.

(g) (1) *Fingerprints required:* A new applicant for a license to sell alcoholic beverages shall be required to submit his or her fingerprints to the Walton County Probate Court to be used for criminal investigation. For renewal applicants, fingerprints are not required but the application shall include a background check

of the applicant, to be processed by the Walton County Probate Court. The Walton County Probate Court requires payments of processing fees for fingerprints and background checks.

(2) *Criminal history.* No Applicant shall have been convicted nor have entered a plea of nolo contendere within the ten years immediately preceding the date of application for any felony or have violated any federal, state, city or county law or regulation regarding alcoholic beverages and illegal drugs, their sale, consumption, distribution or manufacture. This prohibition shall also apply to the general manager who shall have managerial and supervisory authority over the particular location for which a license is sought. In those instances involving partnerships, this prohibition shall apply to all partners. In those instances involving corporations, this prohibition shall also apply to the corporation's officers and registered agent.

(h) *Photograph required.* All applicants and existing licensees shall submit a color photograph which is 2 x2 in size taken within the past year.

(i) *Residency required.* Each applicant for a license under this article shall have been and continue to be a bona fide resident of the state for the period of three years immediately preceding the date of application and shall remain a bona fide resident of the state during all times that the license and any renewal thereof is in effect. All applicants and all registered agents shall be at least 18 years of age.

(j) *No applicant shall be indebted to the City for any fees, costs, or penalties.* Each applicant's accounts with the City for fees, taxes, utilities, or other charges imposed under the Code of Ordinances shall be current at the time of application and remain in good standing.

(k) *Registered agent required.*

(1) All applications for licenses under this article shall nominate and name in the application one or more residents of the state as the registered agent and representative of the applicant to receive all communications, notices, services or process or other papers or documents on behalf of the applicant in connection with any matter arising out of or connected with the issuance, holding, suspension, revocation or other action with respect to any city license. The applicant shall give the mailing address of such registered agent, and the mailing to any registered agent at that address of any notice required to be given under this article or any other law shall be sufficient notice to the applicant/licensee.

- (2) Such registered agent shall be a representative of the licensee and must be approved by the city manager or his designee. The city manager shall refuse to approve any registered agent who is not a bona fide resident of the state or who has been convicted, within the ten years preceding his nomination, of any felony of any kind or any misdemeanor relating to an alcoholic beverage business or any state law or county or municipal ordinance violation relating to any alcoholic beverage business.

(3) If any registered agent shall cease to be a representative of the licensee or shall cease to be a resident of the state or in any manner ceases to meet the requirements of this section, the licensee shall notify the city manager in writing of such event and shall nominate a new registered agent within five business days after such event occurs. Such new registered agent shall meet the requirements of this section and must be approved by the city manager or his designee. The city shall charge a fee for a change of the licensee's registered agent; provided, however, that if the licensee fails to notify the city and nominate a new registered agent within said five-day period, then the city shall charge a higher fee for a change of the licensee's registered agent and/or revoke the licensee's license. The fees for a change of the licensee's registered agent shall be set by the Mayor and City Council.

(l) *Premises and survey requirements.*

The application shall contain:

- (1) A description of the business operation, its location, and facilities;
 - (2) A blueprint or scale drawing of the business facilities, except as provided in Section 4-58(a);
- (3) A survey performed and signed by a certified surveyor and dated no more than 30 days prior to the filing of the application which indicates the location of the business and the distance to the nearest residence, school, church, library and alcoholic treatment center.

(m) In determining whether or not any application shall be granted and a license issued, the City shall consider, in addition to the grounds set forth above, the following information in the public interest and welfare:

- (1) The manner in which the license representative or any individual listed on the application or partner has conducted any business within the city as to the necessity for unusual law enforcement observation and inspection in order to prevent the violation of any law, regulation or ordinance or as to the necessity for city action to compel the applicant's and/or licensee's adherence to any city law, regulation or ordinance;

- (2) The location for which the license is sought as to traffic congestion, public safety, the general character of the neighborhood and the effect of such an operation on surrounding property values; and
- (3) Whether the license representative or any individual listed on the application or partner has ever had an alcoholic beverage or business license suspended or revoked by the state or any political subdivision thereof, including the city.

(n) *Additional information required for retail consumption license.* Any applicant for a retail consumption license as a restaurant under this article shall provide, in addition to all other required information, a signed return on a form provided by the city manager setting forth the amount of gross receipts and the allocation of such receipts to the serving of meals for the entire preceding calendar year, to be used as an estimate as the gross receipts and the allocation of those receipts to the serving of meals for the current year. Where an applicant seeking a retail consumption license as a restaurant operated as a restaurant for only part of the preceding year, the amount of gross receipts for such part, including the allocation of such receipts to the serving of meals, shall be set forth in such return. Such return shall be used as the estimate of the gross receipts and the allocation of those gross receipts to the serving of food for the business for the current calendar year.

(o) *Oath.* The application shall also contain a form of oath providing that the information disclosed in the application is true and correct, and providing further that the applicant will abide by, observe and conduct his business according to the rules and regulations prescribed by the city, the laws of the state pertaining to alcoholic beverages and the rules and regulations of the state department of revenue in respect thereto. The oath shall be taken by the applicant and the agent in charge of the establishment if different from or additional to the applicant.

(p) *Misleading, omitting or obsolete information.*

- (1) Any untrue or misleading information contained in or material omission left out of an original or renewal application for an alcoholic beverage license shall be cause sufficient for the denial thereof.
- (2) Any information that changes or otherwise becomes obsolete shall be reported immediately.
- (3) When any license that is issued on the basis of an application containing misleading or untrue information or omitted or unreported changed material information, such circumstances shall be cause for revocation of same.

(q) *Fee.* Each application for an initial license or a renewal of an existing license shall be accompanied by a nonrefundable application fee in an amount set by the City in the schedule approved by the City Council.

Sec. 4-57. - Notice of application.

The applicant shall cause to be placed upon the location of the proposed premises to be licensed, signs of a size, number and form prescribed by the city manager or his designee, stating the names of owners and address of the applicant, type of license applied for and the business name and location applied for. Said signs shall be posted at the location within five days of submission of the application and must remain in place until a final determination has been made on the license.

Section 4-58. Additional application requirements for retail dealers in distilled spirits by the package.

(a) Licensed premises' building requirements:

(1) No license to sell distilled spirits by the package shall be issued to any person unless the building in which the business will be located is complete and detailed plans of the building and outside premises are submitted to the City. For initial qualification for a license, however, the applicant need not comply with Section 4-56(1)(2) if the building is not complete at the time application is made. In lieu of blueprints, the applicant must attach to his or her initial application a survey as required in Section 4-56(1)(3), a rendering of the proposed building, and a site plan. The proposed building shall be subject to final inspection and approval when completed by the building inspector, the fire marshal, the planning director, and shall comply with other ordinances of the city for zoning, storage, parking, buffers and other issues. The proposed building also shall comply with all regulations of the state revenue commissioner and all the laws of the state.

(2) Each building in which the business will be located shall contain sufficient lighting so that the building itself and the premises on all sides of the building shall be readily visible at all times from the front of the street on which the building is located. The lighting shall reveal the inside retail area of the building and shall reveal all of the outside premises of the building.

(3) The licensed premises must be within a free-standing building completely and physically separate from any other business activities. The building must contain a minimum of 10,000 square feet of heated and air-conditioned space.

(4) The building in which the licensed premises is located shall be finished with brick and glass except for incidental metal trim.

(5) The licensed premises shall allow ingress and egress for customers and their purchases through a door opening to the outside and facing a public street or public pedestrian area.

(6) The building shall be owned or leased by the applicant for a license to sell distilled spirits by the package, and proof of ownership or lease is required.

(7) The licensee is required to install security cameras and otherwise to comply with Section 4-134 of this Chapter.

(b) *Performance bond required:* Before any license to sell distilled spirits by the package is granted, the applicant must post with the city, along with his or her application, a performance bond with an insurance company as surety. This bond shall require the faithful observance and performance by the licensee of the rules and regulations contained in this article. Upon the violation of this article, or any part of this article, the amount of the bond to be forfeited will be determined by the seriousness of the violations as determined by the city. The bond is to be approved by the city and shall be properly executed. The bond is to be in the amount of \$100.00 for a wholesale license and \$2,500.00 for a retail license.

(c) *Proof of insurance required:* The applicant for a license to sell distilled spirits by the package shall provide proof of comprehensive general liability insurance for the licensed premises with coverage of at least \$2,000,000.00 per occurrence, inclusive of personal injury, bodily injury, death, and property damage, and an umbrella policy with coverage of at least \$2,000,000.00 per occurrence.

(d) *Proof of inventory required:* The applicant for a license to sell distilled spirits by the package shall provide proof that it will maintain a wholesale inventory valued at \$600,000.00.

(e) *Letter of Credit.* The applicant for a license to sell distilled spirits by the package shall furnish the City a letter of credit in the amount of at least \$2,000,000.00 per application.

(f) *Number of package stores:*
The City shall issue no more than two (2) licenses for the retail sale of distilled spirits by the package.

(g) *Location.* For any retail dealer of distilled spirits, in addition to any business location restrictions imposed elsewhere in this ordinance, the licensee's premises cannot be located:

- a. Within 500 yards of the property line of any other business licensed to sell package liquor at retail; or
- b. Within the same county as any other retail dealer of distilled spirits by the package that is within the City limits and licensed under this Chapter; or
- c. Within 250 yards of the county line.

(h) *No Sunday sales:* No retailer of distilled spirits by the package shall permit his place of business to be open for the sale of such beverages on Sundays or on days or times prohibited by state law.

Sec. 4-59. Grant or denial of license.

(a) Grant or denial of license for retail package dealer for malt beverage and/or wine only, or for retail consumption dealer, or for wholesale dealer.

(1) All applications shall be submitted during business hours to the City Manager or his/her designee, who shall mark the application with the time and date received. Upon the filing of an application for a retail package or wholesale dealer for malt beverages and/or wine, or upon the filing of a retail consumption license, the City Manager shall have five (5) business days to review the application and to send a copy of the application to all affected departments of city government to determine compliance with city regulations and laws. Each department notified shall submit a report within twenty (20) business days of receipt of the application to the City Manager which states whether there are any objections to the application.

(2) Within twenty (20) business days from the date the City Manager receives all department notifications, the City Manager shall render a written determination as to whether the application complies with the requirements of this Chapter and shall include a decision either to grant or to deny the license sought.

(3) The written decision shall be sent by certified mail to the applicant whose application was considered. If the decision of the City Manager is to deny the requested license, then the letter to the applicant shall set forth in reasonable detail the grounds upon which the license is being denied.

(4) The City Manager or his designee may deny a city license or renewal thereof under this Article on any of the following grounds:

- (a) Failure to meet state requirements for state license;
- (b) Failure to pay all required fees and taxes;
- (c) Failure to provide valid information, documents and the like required by this article;
- (d) False information in the application or attached documents;
- (e) Improper residency of applicant, owner, or registered agents;
- (f) Failure to post and maintain proper signs and advertisements required in this article;
- (g) Failure to meet distance, location or number of business requirements;

- (h) Prior convictions as herein provided; or
- (i) Failure to meet any other requirements in this article for a license or any other requirement in any other provision of this Code or the Charter.

(5) The letter shall further advise the applicant of the right to appeal the decision to the Mayor and City Council within twenty (20) business days of the date on which the applicant receives by certified mail the written decision of the City Manager.

(b) Grant or denial of license for retail package dealer for distilled spirits.

(1) The City shall publish notice of availability of any license(s) to sell distilled spirits by the package in a newspaper of general circulation in the City and state the deadline for filing an application. Such notice shall be published at least once a week for two (2) consecutive weeks. The application deadline shall be at least twenty (20) business days after publication. All applications for a license to sell distilled spirits by the package shall be submitted during business hours to the City Manager or his/her designee, who shall mark the application with the time and date received.

(2) Upon the filing of an application, the City Manager shall have five (5) business days to review the application and to send a copy of the application to all affected departments of city government to determine compliance with city regulations and laws. Each department notified shall submit a report within twenty (20) business days of receipt of the application to the City Manager which states whether there are any objections to the application.

(3) Within twenty (20) business days from the date the City Manager receives all department notifications, the City Manager shall render a written determination as to whether the application complies with the requirements of this Chapter.

(4) The written determination shall be sent by certified mail to the applicant whose application was considered.

(5) If the decision of the City Manager is to deny the requested license, then the letter to the applicant shall set forth in reasonable detail the grounds upon which the license is being denied. The letter shall further advise the applicant of the right to appeal the decision to the Mayor and City Council within twenty (20) business days of the date on which the written decision of the City Manager is sent by Certified Mail.

(6) The City Manager or his designee may deny a city license or renewal thereof under this Article on any of the following grounds:

- (a) Failure to meet state requirements for state license;
- (b) Failure to pay all required fees and taxes;
- (c) Failure to provide valid information, documents and the like required by this article;
- (d) False information in the application or attached documents;
- (e) Improper residency of applicant, owner, or registered agents;
- (f) Failure to post and maintain proper signs and advertisements required in this Article;
- (g) Failure to meet distance, location or number of business requirements;
- (h) Prior convictions as herein provided; or
- (i) Failure to meet any other requirements in this article for a license or any other requirement in any other provision of this Code or the Charter.

(7) If the City Manager determines that the applicant meets the criteria for a license to sell distilled spirits by the package within the Loganville city limits, but there are more qualified applicants than available licenses, then the City Manager shall send a letter by certified mail to the applicant notifying him or her that a licensee or licensees to sell distilled spirits by the package shall be selected by lot at a meeting of the City Council and of the date, time, and place of said meeting.

(8) The letter shall further advise the applicant of the right to appeal the decision to the Mayor and City Council within twenty (20) business days of the date on which the lottery takes place.

Sec. 4-60. Appeal To Mayor and City Council.

(a) Any applicant who wishes to appeal the decision of the City Manager or the results of the lottery shall file a written appeal of the decision with the City Manager within twenty (20) business days as referenced in Section 4-59 above. The City Manager will schedule a hearing before the Mayor and City Council at which the applicant will be given the opportunity to present additional information and evidence and to cross-examine witnesses. This hearing, which shall be transcribed by a court reporter, shall take place within thirty (30) business days of the date of the applicant's written appeal to the City Manager.

(b) The standards to be applied by the Mayor and City Council, acting in its judicial capacity to grant or deny a license, shall include whether, in the best judgment of the Mayor and City Council, the applicant, based on all information obtained in the application process, possesses the qualities of sound judgment and

discretion necessary for one who dispenses alcoholic beverages to the public generally.

(c) In addition to the foregoing standards, should any license representative of the applicant fail to attend a meeting at which it is considered before the Mayor and City Council regarding a new license, a request to change a licensee or a license representative, or a request to relocate the business of a licensee, the Mayor and City Council may consider such application or request to have been withdrawn by the applicant. The application fee is nonrefundable.

(d) Within thirty (30) business days of the date of the appeal hearing, the Mayor and City Council shall make a written determination as to whether the license should be granted or denied. In the event that the Mayor and City Council's decision is to deny the license, the grounds for such denial shall be included in the written determination.

(e) The City Manager, or his designee, shall send the written determination of the Mayor and City Council by certified mail to the applicant or licensee at the address shown on the application within three (3) business days of the date of the action taken by the Mayor and City Council.

(f) *Appeal.*

The decision of the Mayor and City Council shall be final unless the decision is appealed by certiorari to the superior court of the county within which lies the premises for which adverse action is being taken, which will be either Walton or Gwinnett County. Such appeal must be filed within thirty (30) business days of the date the applicant receives the written determination by certified mail.

(g) In all instances in which an application is denied under the provisions of this ordinance, the applicant may not reapply for a license for at least twenty-four (24) months from the final date of such denial. This prohibition shall not apply to the denial of an application based on a failure to meet distance requirements.

Sec. 4- 61. Temporary Licenses.

- (a) Persons making alcoholic beverage license applications pursuant to Chapter 4 because of a change in ownership of the retail licensed establishment, after properly filing all required documents, may be authorized by the City Manager to operate pursuant to a temporary license. Before any such temporary license may be issued, the applicant must have filed with the City the following documents and materials under the conditions indicated:

(1) All documents required by City and pursuant to the Code for obtaining a license appropriate to the type business for which application is made, including payment by certified check, money order or cashier's check of the license fee at the time of submission of the license application.

(2) A written request, on forms to be provided by the City, by the applicant for a temporary license to the City Manager.

(3) The applicant, licensee and agent for the temporary license must be identical to the applicant, licensee and agent indicated on the related annual alcoholic beverage license application.

(4) A written, notarized statement, on forms to be provided by the City, indicating that the applicant, temporary licensee and agent waive any and all rights available to them to appeal the decision by the City Manager to deny their application for a temporary license or to revoke a temporary license that has been issued to them, and that the applicant, temporary licensee and agent agree to all conditions set forth in this section. As used in this section, "rights to appeal" shall include, but not be limited to, injunctive relief, writ of certiorari, writ of mandamus, writ of prohibition, or any court action which relates in any way to said decision(s).

(5) When preliminary records checks have been completed, determined and judgments made, and the City Manager is satisfied that the location for the proposed license substantially complies with the provisions of the code authorizing such license in the City, a temporary license may be issued if deemed appropriate by the City Manager.

(6) The duration of any temporary license issued shall not exceed (120) days.

(7) A temporary license shall not be issued to any entity, real or artificial, who owes the city any monies at the time a temporary license is sought.

(8) There shall be assessed and paid by cashier's check, money order or certified check a non-refundable temporary license fee which shall be established by the mayor and city council. This fee shall be in addition to all other fees required by the Code.

(9) The issuance and duration of any temporary license pursuant to the conditions stated in this section is within the sole discretion of the City Manager and such temporary license may be revoked by the City Manager at

any time without notice, cause, hearing or refund of any portion of the temporary license fee.

(10) The issuance of the temporary license pursuant to the above conditions does not eliminate or alter in any way the requirement that the applicant must otherwise follow the application process provided in the remaining provisions of this Code.

(b) There shall be no vested right to, or protectable property interest in, the issuance of a temporary license as provided for in this section, or to the issuance of any license issued pursuant to this chapter.

(c) During any one calendar year, there shall be not more than one temporary license granted for any single retail licensed establishment, as such temporary licenses are provided for in this section.

(d) The City Manager shall notify the Mayor and City Council within three days after receiving an application for a temporary license. Such notification shall also include the name of the applicant and the address of the proposed retail license establishment to receive the temporary license.

Sec. 4-62. - Eligibility for retail consumption.

No retail consumption license shall be issued to any applicant whose establishment does not meet the requirements of a restaurant or bona fide private club, with the exception of an ancillary Wine Tasting permit addressed in Section 4-71.

(Ord. of 2-14-2008, § 18-210.5.1)

Sec. 4-63. - Time limits on opening and continuing business.

(a) All persons and/or businesses issued licenses under this article must, within 90 days after the issuance of the city license under this article, open for business, except that new construction of a package store for distilled spirits shall begin within 90 days after issuance and shall be complete within 9 months. Failure to open for business shall constitute a forfeiture and cancellation of the issued licenses and no refund of license fees or business taxes shall be made. Any applicant unable to comply with the time limit of this section may make written request to the city manager for an extension of time not to exceed 90 days; and the city manager at his discretion may grant or deny the request.

(b) Any license issued under this article shall automatically be null and void where the licensed person and/or business has not operated or been open to the public for six consecutive months. Any licensee unable to comply with the time limit of this section may make written request to the city manager for an extension

of time not to exceed 90 days; and city manager at his discretion may grant or deny the request.

(Ord. of 2-14-2008, § 18-205.2)

Sec. 4-64. - Restrictions.

- (a) No person who has any direct financial interest in a license for the sale of alcoholic beverages at wholesale shall hold any other license or an interest in any other license under the terms of this article unless otherwise allowed by state law.
- (b) No person shall have an interest in more than two retail consumption licenses.
 - (c) No elected or full-time appointed official of the city or any person related within the first degree of consanguinity or affinity under civil law to such an official of the city shall own any interest in any license issued under this article unless one of the following conditions is met:
 - (1) The interest was obtained prior to election or appointment to office;
 - (2) The interest is declared in writing at the time the application for said license is made and said elected or full-time appointed official shall not participate in official action or consideration of license; or
 - (3) The interest obtained in an ongoing business holding a license is declared in writing at the time of the acquisition and filed with the city manager.

(Ord. of 2-14-2008, § 18-206)

Section 4-65. Business location; required distances.

(a) Unless the following uses of property are pre-existing, nonconforming uses under the city's zoning regulations, licenses shall not be issued to authorize the sale of alcoholic beverages at any location which does not meet or exceed the following minimum distance separation requirements from the following establishments:

- (1) For retail consumption dealers, the licensee's premises cannot be located:
 - a. In or within 50 yards of any church grounds;
 - b. In or within 50 yards of any structure used as a residences at the time of application;
 - c. In or within 100 yards of the property line of the tract of land on which a school building, school grounds, or college campus is located; or
 - d. In or within 100 yards of any public library which is on the same side of the street as the proposed location.
- (2) For a retail dealer in malt beverages and/or wine by the package, the licensee's premises cannot be located:
 - a. In or within 200 yards of any church grounds; or

b. In or within 200 yards of the property line of the tract of land on which a school building, school grounds, or college campus is located.

c. In or within 200 yards of any retail dealer in distilled spirits by the package.

(3) For a retail dealer in distilled spirits by the package, the licensee's premises cannot be located:

a. In or within 200 yards of any church grounds; or

b. In or within 200 yards of the property line of the tract of land on which a school building, school grounds, or college campus is located.

c. In or within 500 yards of any other retail dealer in distilled spirits by the package.

d. In or within 200 yards of any retail dealer in malt beverages and/or wine by the package.

e. Within the same county as any other retail dealer of distilled spirits by the package that is within the City limits and licensed under this Chapter.

f. Within 250 yards of the County Line.

(4) For a wholesale dealer in distilled spirits, malt beverages and/or wine, the licensee's premises cannot be located:

a. In or within 200 yards of any church grounds; or

b. In or within 200 yards of the property line of the tract of land on which a school building, school grounds, or college campus is located.

(5) For a bona fide private club, the licensee's premises cannot be located:

a. In or within 100 yards of any church grounds;

b. In or within 100 yards of any structure used as a residences at the time of application;

c. In or within 200 yards of the property line of the tract of land on which a school building, school grounds, or college campus is located; or

d. In or within 100 yards of any public library which is on the same side of the street as the proposed location.

(b) No person shall sell alcohol, distilled spirits, wine or malt beverages in or within 100 yards of any alcoholic treatment center owned and operated by the state or county or municipal government therein.

(c) No person shall sell alcohol, distilled spirits, wine or malt beverages for consumption on the premises in or within 100 yards of any housing authority property. This subsection shall not apply at any location for which a new license is applied for if the sale of alcoholic beverages for consumption on the premises was lawful at such location at any time during the 12 months immediately preceding such application.

(d) With the exception of measuring distances to schools which shall be measured from the property line of the tract of land on which a school building, school grounds, or college campus is located to the front door of the building, or to the nearest portion of the grounds, whichever is applicable, all other distances shall be measured in the following manner:

(1) From the front door of the structure or partial building unit from which beverage alcohol is sold or offered for sale; thence

(2) In a straight line, regardless of obstructions, to the nearest public sidewalk, walkway, street, road or highway; thence

(3) Along such public sidewalk, walkway, street, road or highway by the nearest route; thence

(4) To the front door of the building, or to the nearest portion of the grounds, whichever is applicable.

(e) For the purposes of this section, the term "nonaccessory structure" means any structure located on the school ground, college campus, residential lot, library or alcoholic treatment center which would not be considered an accessory use under the appropriate interpretations of the city zoning regulations.

(f) Notwithstanding anything to the contrary herein, no church that becomes located near or expands into the vicinity of a licensee under this article shall be entitled to object to the location of a licensee and no license shall be denied because it is within the prohibited footage as set forth in subsection (a) of this section. In addition, no license shall be denied because the location is within the prohibited footage of a temporary church.

(g) *Grandfather Provision:* No license which is in effect on the date this ordinance is enacted shall be revoked before its date of expiration by reason of the new distance regulations set out in this subsection if the license was granted in reliance on another distance regulation previously in effect at the time the license was issued. No application for a license or for a renewal license shall be denied by reason of new distance regulations set out in this subsection if the application is for a premises for which a license was granted prior to the date this ordinance became effective, in reliance on another distance regulations previously in effect at the time the application for the license was filed.

Sec. 4-66. - Zoning district.

No license shall be issued under this article unless the applicant's place of business is located in an area of the city that is zoned commercial as designated by the city's zoning regulations.

(Ord. of 2-14-2008, § 18-208)

Sec. 4-67. - Calendar-year term.

(a) All licenses issued under this article shall remain in effect for the calendar year of issuance (i.e., for all licenses granted between January 1 and December 31 of a given calendar year, the license shall remain in effect until the close of business on December 31 of that same calendar year). No license shall extend from one calendar year into the next.

(b) All renewal applications, containing all information required by this article and applicable fees are due on or before November 15 of the year in which the license expires, and no licensee shall have any vested right to the renewal of any city license. Renewal applications made after November 15 shall be subject to a 20 percent penalty on the applicable license fee and one percent interest per month delinquent.

(c) No license under this article may be renewed if the licensee could be denied a new license under this article.

(Ord. of 2-14-2008, § 18-211.1)

Sec. 4-68. - Transfer of location.

(a) Any business and/or person licensed under this article that moves from one location in the city to another location in the city shall make application for a new license as if for an original license on or before the day of moving in the manner set forth in this division of the City of Loganville Code of Ordinances. The license can be valid at the new location only if the new location conforms to the zoning regulations of the city and all other requirements of this code.

(b) The new license application shall be accompanied by a nonrefundable administrative fee. This administrative fee shall be separate and in addition to the occupation tax and/or business license tax.

(c) This administrative fee shall be set by the Mayor and Council.

(Ord. of 2-14-2008, § 18-211.2.1)

Sec. 4-69. - Transfer of ownership.

(a) The transfer of ownership of a business requiring an alcohol license shall be considered in the same manner as the termination of the business and the establishment and application of a new business. In the event that the owner of a business requiring an alcohol license desires to transfer the same, or in the event that any interest in the business for which the license was issued is sold or otherwise transferred, then the purchaser or transferee of such license or interest

shall apply to the city as if for an original license on or before the date on which such sale or transfer is made.

(1) Notwithstanding the foregoing, in the case of a corporation, a new alcohol license shall not be required as herein provided unless a change in stock ownership in the corporation results in ownership of more than 50 percent of the outstanding corporate stock, voting or otherwise, by persons or combinations of persons not owners of such stock at the time the license was issued. The term "any interest" is defined as being an ownership of stock or control of 50 percent or more of the partnership or corporation.

(2) Notwithstanding the foregoing, one or more partners in a partnership holding a license may withdraw in favor of one or more of the existing partners.

(b) The transfer of ownership of a business shall not affect the distance requirements previously approved by the city.

(c) In case of the death of any natural person holding a city alcohol license, or any interest therein, the license may be transferred to the administrator, executor of the lawful heir or devisee of the deceased person by filing a new application with the city for the change in license ownership within 75 days of such death. The business involved may continue to operate until disposition of the application. No additional fees or business taxes shall be charged above what would be due if the business, or portion thereof, remained under the deceased person's ownership.

(d) *Distilled Spirits Package Stores.* For retail package dealer licenses to sell distilled spirits, the City shall process the application in accordance with 4-59(a) in the case of transfer of ownership. If a license becomes available by means other than transfer or death, then the City shall process the application in accordance with 4-59(b).

(Ord. of 2-14-2008, § 18-211.2.2)

Sec. 4-70. - Completion of premises proposed to be licensed.

Where a building in which any person intends to operate under the provisions of this article is, at the time of the application for the license, not in existence or not yet completed, a license may be issued for the location provided the plans for the proposed building show clearly a compliance with the other provisions of this article. No sales or consumption shall be allowed in the establishment until it has been completed in accordance with the plans and is in conformity with all of the other provisions of this article and this Code.

(Ord. of 2-14-2008, § 18-212)

Sec. 4-71 Wine Tastings.

(a) **Eligibility.** The holder of a current, valid retail package dealer license for wine only or of a current, valid retail package dealer license for malt beverage and wine only shall be eligible for an ancillary wine tasting permit to provide samples of wine offered for sale to customers under the conditions set forth in this section. To obtain a wine tasting permit from the city, an applicant also must hold a current, valid wine license in the State.

(b) **Permit Application.** An applicant for a wine tasting permit shall file with the City Manager or his designee an application and a permit fee in an amount to be established by the city. The form necessary for such application shall be furnished by the city.

(c) **Conditions.** A wine tasting permit shall allow the holder to provide samples of wine to the public for consumption on the premises under the following conditions:

(1) Wine tasting shall be on limited occasions when a customer requests a sample of a wine offered for sale within the premises, or in connection with instructional classes designed to promote wine appreciation and education.

(2) Wine tasting is permitted only within the enclosed portion of the premises.

(3) Wine bottles shall be opened only by the licensee or an employee of the licensee, and samples shall be poured only by the licensee and/or an employee.

(4) Samples shall not exceed 2 ounces, and no customer shall consume more than eight ounces in any two-hour period. No individual under 21 years of age shall be permitted to consume any sample.

(5) No open or unsealed containers of wine shall be removed from the licensed premises.

(6) No wine tasting may be conducted on the premises of any place of business licensed to sell distilled spirits in original packages for off-premises consumption.

(7) No wine tasting may be conducted on the premises of a malt beverage and wine store operating in connection with a retail package dealer licensed to sell distilled spirits in original packages for off-premises consumption.

(8) All wines secured for tasting purposes must be obtained through a wholesale wine outlet.

(9) The applicant shall maintain on the premises and offer for sale at all times a variety of wines from at least 50 manufacturers of wine.

(10) The applicant's establishment shall have minimum interior floor area of 500 square feet devoted to the storage, display and sale of wine.

(11) Wine tasting for customers shall be conducted only at a counter area constituting no more than ten percent of the entire floor area of the premises.

(12) The holder of a wine tasting permit may conduct educational classes with tasting not more than 2 times per week for a period not to exceed 3 consecutive hours. All conditions set forth in this section shall apply to such classes, except for the limitation on floor area where the classes can be conducted.

(13) The holder of an ancillary wine tasting permit shall not charge a fee to participate in wine tasting classes nor for individual samples of wine.

(14) All permit holders must comply with this code section, other city ordinances, and all state statutes and regulations pertaining to the sale and distribution of alcoholic beverages, including, but not limited to, those dealing with hours of operation, zoning, and distance requirements.

Sec. 4-72. Compliance Inspections; Grounds For Adverse Action; Notice; Hearing; Penalties.

(a) Periodic inspection.

Sworn officers of the police department or code enforcement officers of the city shall have the authority to inspect establishments licensed under this Chapter during the hours

in which the premises are open for business. The inspections shall be made for the purpose of verifying compliance with the requirements of this Chapter.

(b) *Automatic revocation.*

Whenever the state shall revoke any permit or license to sell alcoholic beverages, the city license to deal in such products, issued pursuant to this chapter, shall thereupon be automatically revoked without any action by the city being necessary.

(c) *Investigations.*

The Mayor and City Council shall have the right to make such inquiry or investigation as it may find to be reasonably necessary to determine compliance with this Chapter. Such investigation may consist, among other actions, of calling licensees for examination under oath, obtaining evidence under oath from other persons; the procurement of documents and records including records of the licensee, and inspection and examination of records and documents from whatever source obtainable.

(d) *Grounds for Adverse Action by Mayor and City Council.*

The Mayor and City Council may find due cause to impose a probationary period on a license; to suspend, revoke or refuse to renew a license; and/or to impose a monetary fine upon the license if it finds that the licensee under this Chapter or the licensee's agents, employees, or independent contractors, whether compensated or not, commits any of the following violations, each of which shall constitute grounds upon which adverse action may be taken by the Mayor and City Council against the licensee:

(1) The selling to or serving of any alcoholic beverage to any person below the age of 21 years.

(2) The conviction of any felony reasonably related to the ability of the licensee to operate and maintain the premises in a proper manner or of any crime of moral turpitude.

(3) The performance of any act prohibited by this Chapter or the failure to perform any act required by this Chapter as well as the violation of any city or state law or regulation governing the manufacture, sale, distribution or transportation of alcoholic beverages.

(4) Permitting the solicitation of patrons on the licensed premises for prostitution or

any other unlawful act where the licensee or the licensee's employee or agent knew or should have known of such conduct.

(5) The selling or serving of any alcoholic beverage to any person that the licensee or the licensee's employee or agent knew or should have known to be in a state of intoxication.

(6) The failure to comply with any and all federal, state, or municipal tax laws and regulations applicable to the operation of establishments licensed to sell alcoholic beverages.

(7) The failure to furnish within thirty (30) days of said request any and all data, information and/or records related to the operation of the licensed establishment when such has been requested by the City Manager or Mayor and City Council.

(8) The failure to maintain any and all of the general qualifications applicable to the initial issuance of a license as set forth in Sections 4-56, 58, and any other section of Chapter 4 in which initial qualifications for issuance are set forth.

(9) The failure to obtain prior approval of the City to change the licensee's type of license pursuant to this Chapter.

(10) Failure by the licensee to adequately supervise and monitor the conduct of its employees, agents, independent contractors, patrons and others on the licensed

premises or on any property owned or leased by the licensee, including but not

limited to parking lots and parking areas, or on any parking lots or areas

which

may be lawfully used by patrons of a licensed establishment, in order to

protect

the safety and well-being of the general public and of those utilizing the

premises.

(11) The violation of any local, state, or federal law, ordinance or regulation governing

the operation of establishments licensed to sell alcoholic beverages or which are

reasonably related to the operation of such establishments.

(12) Permitting the sale of illegal drugs on the licensed premises where the licensee

or

the licensee's employee or agent knew or should have known of such conduct.

(13) Making any false statement of a material fact on the application for license or renewal thereof, or on any document required to be filed with the Mayor and City Council.

(14) Failing to give timely notice of any change of ownership interest as required by this Chapter.

(15) The operation of the business of the licensee in such a manner as to create a public nuisance, or in a manner contrary to public welfare, safety, health or morals.

(16) Failure to meet any obligations to pay fees, taxes, or penalties imposed under the provisions of this chapter or elsewhere in the Code of Ordinances.

(e) *Notice and hearing regarding Adverse Action.*

(1) No license shall be denied, suspended or revoked; nor shall any monetary fine be imposed upon a licensee, without the opportunity for a hearing as provided in this chapter.

(2) The Mayor and City Council shall provide written notice to the applicant or licensee of its intent to deny, suspend or revoke the license and/or to impose a monetary fine on a licensee. Such written notification shall be sent by certified mail to the applicant or licensee at the address shown on the application, and the applicant shall be directed to show cause as to why the proposed action should not be taken by the Mayor and City Council. The notice shall:

a. advise the applicant or licensee of the time and place specified for the hearing, which hearing shall be held not more than twenty (20) business days (if the notice is mailed) or fifteen (15) business days (if the notice is hand delivered), but not less than ten (10) business days from the date of the service of the notice (the timing of the hearing can be shortened or extended by mutual agreement between the applicant or licensee and the City).

b. shall set forth in reasonable detail the action to be taken, the grounds for such action and the factual basis supporting those grounds; and

c. advise the applicant or licensee of the right to present evidence, witnesses and/or arguments and to be represented by counsel at the hearing.

(3) A hearing, which shall be recorded by a court reporter, shall be conducted by the Mayor and City Council and the findings and final determination of the Mayor and City Council shall be set forth in writing.

(4) The Mayor and City Council may deny applications for transfer of location or transfer of ownership and may revoke, suspend or refuse to renew any license. In lieu of suspension, revocation or the failure to renew, the Mayor and City Council may impose a fine upon any licensee holding a license to sell alcoholic beverages

in an amount not to exceed \$1,000.00 for each violation occurring on the licensee's licensed premises.

- (5) The City Manager, or his designee, shall send the written determination of the Mayor and City Council by certified mail to the applicant or licensee at the address shown on the application within three (3) business days of the date of the action taken by the action by the Mayor and City Council.

(f) *Appeal.*

The decision of the Mayor and City Council shall be final unless the decision is appealed by certiorari to the superior court of the county within which lies the premises for which adverse action is being taken, which will be either Walton or Gwinnett County. Such appeal must be filed within thirty (30) business days of the date the applicant or licensee receives the written determination by certified mail.

(g) *Criminal Prosecution.*

Any adverse action taken by the Mayor and City Council with regard to a license issued pursuant to this Chapter shall not preclude, and may be in addition to, any criminal prosecution by any proper authority of the city, county, state or federal government.

(h) *No application for new license before 24 months after revocation.*

When a license has been revoked under the provisions of this Chapter, no application for a new alcoholic beverage license for the same location will be received for a period of 24 months and no application for a new license from the licensee involved shall be received for a period of 24 months.

(i) *Refunds.*

If a license issued under this Chapter is denied, suspended or revoked, the licensee shall not be entitled to a refund of any portion of the application, license or other fees previously remitted.

Secs. 4-73—4-99. - Reserved.

Division 3 – Operating Regulations

Sec. 4-100. - Business entrance.

The front entrance of all premises licensed under this article shall be clearly visible from a public street; provided, however, that this restriction shall not apply where the premises are located in a private club, shopping center or multiple-story business building.

(Ord. of 2-14-2008, § 18-214)

Sec. 4-101. - Annexed area.

All retail consumption dealers, retail dealers and wholesale dealers operating lawfully at a location outside the corporate limits of the city and thereafter annexed into the city shall continue operation subject to this article whenever possible.

(Ord. of 2-14-2008, § 18-215)

Sec. 4-102. - Sales on certain premises; excepted.

(a) No retail package dealer license shall be issued to any applicant whose business does not have at least a \$15,000.00 inventory of food, tobacco products, household supplies or periodicals, the values of such items being the same as those indicated in the applicant's annual returns to the county tax commissioner for ad valorem tax purposes. In any event, the values so indicated shall be the cost of such items to the applicant and not the price that the applicant charges in retail stores. However, automotive supplies specifically shall not be considered in determining such inventory.

(b) This section shall not apply to any retail dealer licensed by the city to sell distilled spirits by the package.

(Ord. of 2-14-2008, § 18-216)

Sec. 4-103. Open containers.

(a) No bottle or other container of alcoholic beverages shall be opened or consumed by any person on the premises upon which the place of business is conducted and licensed under this article, whether the bottle or other container so opened or consumed was bought or obtained at the place of business or elsewhere, unless the premises is licensed for consumption on the premises under this chapter. This code section shall not prohibit wine tasting in connection with a valid wine tasting permit under the conditions set forth in Section 4-71.

(b) No establishment licensed under this article to sell alcoholic beverages shall allow a person to leave that premises with alcoholic beverages in an open cup, bottle, can or other open container.

(c) At no time shall a person be permitted to leave a premises with alcoholic beverages in an open glass container unless the customer is seated at a permitted outdoor dining restaurant.

Sec. 4-104. - Brown-bagging.

(a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Brown-bagging means the bringing, taking or carrying of any alcoholic beverage into a business licensed to operate within the city but not licensed for the consumption of alcoholic beverages on the premises; provided that bringing an alcoholic beverage into a house, apartment, room or other unit designed for private residential occupancy shall not fall within this definition.

- (b) Brown-bagging shall include the following prohibited acts:
 - (1) Any person who brown-bags;
 - (2) Any person participating in consumption of any alcoholic beverage being brown-bagged;
 - (3) Any person who consumes an alcoholic beverage on any premises holding a business license, except for those premises licensed for on-premises consumption of alcoholic beverages or otherwise exempted from the definition of brown-bagging by virtue of the private residential character of the occupancy;
 - (4) Any employee of the business establishment in whose presence brown-bagging knowingly or with reckless indifference occurs.
- (c) Brown-bagging is prohibited within the city.
 - (d) The license of any premises upon which brown-bagging knowingly or with reckless indifference occurs shall be subject to suspension or revocation of the license by the city. Any conviction or plea of guilty or nolo contendere in the municipal court to a charge of brown-bagging shall be admissible in a license suspension or revocation consideration or proceeding.

(Ord. of 2-14-2008, § 18-218)

Sec. 4-105. - Business hours—Sales by retail consumption dealers.

(a) Retail consumption dealers may sell, dispense or deliver alcoholic beverages to any customer between the hours of 8:00 a.m. and 12:00 midnight on weekdays and Saturdays and between the hours of 12:30 p.m. to 12:00 Midnight on Sundays.

(b) It shall be unlawful for retail consumption dealers to fail to remove from their retail service area within normal access to the public any and all cans, bottles, glasses, mugs, pitchers, cups or other containers for alcoholic beverages or to otherwise allow consumption of alcoholic beverages on its premises except during the times set forth in subsection (a) of this section.

Sec. 4-106. - Same—Sales by wholesale dealers.

Wholesale dealers shall engage in their business only from sunrise to sunset.

(Ord. of 2-14-2008, § 18-219.2)

Sec. 4-107. - Same—Sales by retail package dealers.

Retail dealers of malt beverages and/or wine by the package shall not engage in the sale of alcoholic beverages except between the hours of 8:00 a.m. and 12:00 midnight on weekdays and Saturdays and between the hours of 12:30 p.m. and 11:30 p.m. on Sundays. Retail dealers of distilled spirits by the package shall not engage in the sale of alcoholic beverages except between the hours of 8:00 a.m. and 12:00 midnight on weekdays and Saturdays.

Sec. 4-108. - Sales on election days.

It shall be unlawful for any person to sell alcoholic beverages within 250 feet of any polling place or of the outer edge of any building within which such polling place is established on primary or election days. In this section, the term "day" means that period of time beginning with the opening of the polls and ending with the closing of the polls.

(Ord. of 2-14-2008, § 18-219.4)

Sec. 4-109. - Change of time affecting closing hours.

On those days when the time changes, a licensee shall determine closing hour at the end of the business day by the same time on which he opened that regular business day. The closing hour for the sale and purchase of spirituous liquors, malt beverages or wine under this section shall be determined as follows:

- (1) On the day when the time changes from Eastern Standard Time to Daylight Saving Time, the closing hour shall be determined by Eastern Standard Time.
- (2) On the day when the time changes from Daylight Saving Time to Eastern Standard Time, the closing hour shall be determined by Daylight Saving Time.

(Ord. of 2-14-2008, § 18-219.5)

Sec. 4-110. - Vacating premises.

Notwithstanding any other local regulation, whenever a closing time is provided, the premises shall be vacated within 30 minutes by all except personnel of such establishment, and no alcoholic beverages shall be dispensed after such closing time.

(Ord. of 2-14-2008, § 18-219.6)

State law reference—Days and hours of sale, O.C.G.A. § 3-3-20.

Sec. 4-111. - Delivery of alcoholic beverages.

No deliveries of alcoholic beverages shall be made except on the premises in which such beverages are sold.

(Ord. of 2-14-2008, § 18-220)

Sec. 4-112. - Condition of premises.

All premises operating with a license under this article shall be kept clean and in proper sanitary condition and in full compliance with the provisions and regulations governing the conditions of premises used for storage and sale of food for human consumption.

(Ord. of 2-14-2008, § 18-221)

Sec. 4-113. - Slot machines, etc., prohibited on-premises.

No licensee shall permit on his premises any slot machines, pinball machines or electronic games of any kind or character or any coin-operated machines operated for gambling purposes.

(Ord. of 2-14-2008, § 18-224)

Sec. 4-114. - Disturbances, obscenity, public indecency prohibited.

It shall be unlawful to permit any disturbance of the peace, obscenity, or public indecency on the premises of any establishment licensed under this article.

(Ord. of 2-14-2008, § 18-225)

Sec. 4-115. - Leaving premises without paying.

No person shall leave the premises of the licensee without paying his charges for the sale of alcoholic beverages.

(Ord. of 2-14-2008, § 18-226)

Sec. 4-116. - Interior visibility.

No screen, blind, curtain, partition, article or thing which shall prevent a clear view into the interior shall be permitted in the window or upon the doors of any retail dealer's store, and no booth, screen, partition or other obstruction shall be permitted within the interior of any such store. Each such retail store shall be so lighted that the interior of the store is visible day and night.

(Ord. of 2-14-2008, § 18-227)

Sec. 4-117. - Display of city license number.

Each retail dealer licensed under this article to sell shall have printed on the front window of the licensed premises the inscription "City Retail License No. _____" in uniform letters not less than four inches in height; however, if a licensee so desires he may have his name displayed on the inside of the window in like manner or in neon or other electric lights. Such sign shall be parallel with the window and so constructed as not to extend more than six inches from the window.

(Ord. of 2-14-2008, § 18-228.1)

Sec. 4-118. - Posting signs—Concerning age restrictions.

The retail licensee shall post in a conspicuous place where the actual transaction takes place within the licensed premises a sign stating that no alcoholic beverages or spirituous liquors shall be sold to or purchased by any person under 21 years of age and that it shall be unlawful for any person under the age of 21 to falsely misrepresent his age in any manner whatsoever to a licensee. Such sign shall be printed in uniform letters not less than one inch in height.

(Ord. of 2-14-2008, § 18-228.2)

State law reference— Signs relative to underage persons, O.C.G.A. § 3-3-24.2.

Sec. 4-119. Same—Prohibiting on-premises consumption.

The retail package dealer licensee shall display at any entrances or exits to the licensed premises a sign which shall state that it is unlawful to consume any alcoholic beverages (except at a permitted wine tasting) or to open any container of alcoholic beverages on the licensed premises or any parking area adjacent thereto. Further, such signs which are necessary shall also be placed in such a manner as to be visible from any parking area adjacent to the licensed premises.

(Ord. of 2-14-2008, § 18-228.3)

Sec. 4-120. - Condition of signs.

All signs required by this division shall be clearly visible and lettering shall be dark and unfaded.

(Ord. of 2-14-2008, § 18-228.4)

Sec. 4-121. - Prices.

(a) Each retail package dealer shall have conspicuously displayed within the interior of the licensed premises not less than four copies of a printed price list of the alcoholic beverages offered for sale and one printed copy of these regulations; provided that a licensee, in lieu of having four copies of a printed price list, may have the price placed on the bottles or on the bottom of the shelf where the alcoholic beverages are exhibited for sale.

(b) All retail consumption dealers hereunder, except bona fide private clubs, shall display in prominent places their current prices of alcoholic beverages and admission and cover charges.

(c) Licensees shall file a copy of their price lists with the city clerk and shall furnish to any customer that so desires an itemized bill of charges which shall not exceed the price list furnished to the police department. Upon any increase or decrease of prices, a new list must be filed with the city clerk.

(Ord. of 2-14-2008, § 18-229)

Sec. 4-122. - Broken seals.

(a) It shall be unlawful for any person, except a licensee, his manager or agent in charge of licensed premises, to carry into or have in his possession on any premises any alcoholic beverages in the original package, the seal of which has been broken or the original package opened.

(b) Notwithstanding any other contrary provisions, any restaurant which is licensed to sell alcoholic beverages for consumption on the premises may permit a patron to remove one unsealed bottle of wine per patron for consumption off premises, if the patron has purchased a meal and consumed a portion of the bottle of wine which has been purchased on the premises with such meal on the restaurant's premises. A partially consumed bottle of wine that is to be removed from the premises must be securely resealed by the licensee or its employees before removal from the premises. The partially consumed bottle of wine shall be placed in a bag or other container that is secured in such a manner that it is visibly apparent if the container has been subsequently opened or tampered with, and a dated receipt for the bottle of wine and meal shall be provided by the licensee and attached to the container. If transported in a motor vehicle, the container with the resealed bottle of wine shall be placed in a locked glove compartment, a locked trunk, or the area behind the last upright seat of a motor vehicle that is not equipped with a trunk.

(Ord. of 2-14-2008, § 18-230)

State law reference— Breaking of packages of alcohol on premises, O.C.G.A. § 3-3-26; removal of partially consumed bottle of wine from premises, O.C.G.A. § 3-6-4.

Sec. 4-123. - Sales outside premises in permit.

It shall be unlawful for any sales to be made outside of the place of business licensed for such sale except as permitted in this article.

(Ord. of 2-14-2008, § 18-231)

Sec. 4-124. - Reuse of bottles.

It shall be illegal for the licensee under this article to add to the contents of a bottle or to refill empty bottles or in any other manner to misrepresent the quantity, quality or brand name of any alcoholic beverage.

(Ord. of 2-14-2008, § 18-232)

Sec. 4-125. - Copy of regulations.

It shall be the duty of the management of the premises licensed under this article to maintain a copy of these regulations on such premises and to instruct each and every employee of the terms thereof.

(Ord. of 2-14-2008, § 18-233)

Sec. 4-126. - Verification of age.

(a) It shall unlawful for any agent, officer or employee of a licensee to fail to properly check the identification of any patron when selling or otherwise providing any alcoholic beverage, which failure results in an underage person being sold or served, or to have in his possession while on the licensee's premises, any alcoholic beverage.

(b) For the purposes of this section, the term "identification" means any document issued by any governmental agency containing a description of the person so identified, such person's photograph and such person's date of birth. As used herein, the term "identification" includes without being limited to, a passport, a military identification card, a driver's license, or a state department of public safety identification card.

(c) Notwithstanding any criminal prosecution which may result from a violation of this section, any licensee employing any officer, agent or employee that fails to comply with the provisions of subsection (a) of this section, which failure results in an underaged person being sold or served, or to have in his possession while on the licensee's premises an alcoholic beverage, may have his license revoked.

(Ord. of 2-14-2008, § 18-234)

State law reference— Verification of age, O.C.G.A. § 3-3-23.

Sec. 4-127. - Alcoholic beverages prohibited in billiard and pool rooms.

It shall be unlawful for any person who holds a license for the sale of alcoholic beverages to keep, operate or maintain billiard tables, pool tables or any other table of like character on such licensed premises, except under the following circumstances:

(1) For retail consumption dealers, the licensee derives at least 75 percent of its revenue from the sale of products or services other than alcoholic beverages; or

(2) For retail package dealers, the licensee derives at least 50 percent of its total annual gross revenues from the sale of products or services other than alcoholic beverages.

(Ord. of 2-14-2008, § 18-235)

Sec. 4-128. - Sale or dispensing from drive-through windows prohibited; penalties.

(a) It shall be unlawful for retail dealers to sell, dispense or deliver alcoholic beverages to any customer unless such sale, dispensing or delivery shall occur completely within the structured interior walls of the retail dealer's business.

(b) No sale, dispensing or delivery of alcoholic beverages shall occur through any drive-through window or other opening in the structural walls of the business.

(Ord. of 2-14-2008, § 18-236)

Sec. 4-129. - Fire regulations.

Where a minimum sleeping or seating capacity is prescribed, the same shall be judged by reasonable standards. The fire department shall, upon the request of the city clerk, inspect such premises and report its findings. All premises licensed under this article shall conform at all times with the fire regulations established by the city.

(Ord. of 2-14-2008, § 18-237)

Sec. 4-130. - Drinks to be served only by employees.

Drinks sold by licensees under this article shall be served only by employees of the licensee.

(Ord. of 2-14-2008, § 18-238)

Sec. 4-131. - Service in back rooms prohibited.

The sale of alcoholic beverages for consumption by persons in any back room or side room which is not normally open to the general public use is prohibited, except that private parties or conventions which have been scheduled in advance may be served in public or private dining rooms or meeting rooms.

(Ord. of 2-14-2008, § 18-239)

Sec. 4-132. - Live nudity and sexually explicit conduct prohibited.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Alcohol beverage establishment means any licensee holding a license under this article for the sale of alcoholic beverages for consumption on the premises.

Substantially nude means dressed or undressed in a manner so as to plainly expose to view any portion of a male's or female's pubic hair, anus, cleft of the buttocks, vulva, or genitals, or any portion of the female breasts below the top of the areola.

(b) *Prohibited acts enumerated.*

- (1) No person shall appear substantially nude in any establishment holding a license to sell alcohol.
- (2) No owner or manager of an alcoholic beverage establishment shall permit any person to appear substantially nude on the licensed premises.
- (3) No owner or manager of an alcoholic beverage establishment shall permit any person to perform live acts of or live acts which constitute or simulate:
 - a. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship and any of the following sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty or any sexual acts which are prohibited by law.
 - b. The touching, caressing, or fondling of the breast, buttocks, anus, or genitals; provided that random acts of patrons or employees, whose actions do not constitute actions taken pursuant to encouragement or acquiescence of the management of the establishment and are not for the purposes of entertainment, promotion, publicity, or notoriety, shall not constitute violations of this section.
 - c. The holding, promotion, sponsoring or allowing of any contests, promotion, special night, event, or any other activity, where patrons of a licensed establishment are encouraged or allowed to engage in any of the conduct described in subsections (b)(3)a and b of this section; provided, however, that nothing contained in this section shall apply to the premises of any mainstream performance house, museum, or theater which derives less than 20 percent of its gross annual income from the sale of alcoholic beverages.
- (c) *Acts prohibited.* No person shall engage in any of the acts identified in subsection (b)(3) of this section on the premises of an alcoholic beverage establishment.
- (d) *Application of restrictions.* The restrictions of subsections (b) and (c) of this section shall apply to all persons physically present and only physically present on the licensed premises regardless of whether such persons are categorized as employees, patrons, independent contractors or otherwise.
- (e) *Suspension or revocation of business license.* In addition to prosecution of any person for violation of this section, the license of any premises upon which a violation of this section occurs shall be subject to suspension or revocation action, which shall follow the procedures outlined in this article. Any conviction or plea

of guilty or nolo contendere in the municipal court to a charge of violation of this section shall be admissible in a license suspension or revocation proceeding.

(Ord. of 2-14-2008, § 18-240)

Sec. 4-133. - Pricing.

(a) Each licensee shall maintain a schedule of the prices charged for all alcoholic beverages to be served and consumed on the licensed premises or in any room or part thereof. The licensee shall not vary the schedule of prices from day to day or from hour to hour within a single day. The schedule of prices shall be posted in a conspicuous manner so as to be in view of the paying public, and such schedule shall be effective for not less than one calendar week.

(b) Except as authorized by a valid wine tasting permit addressed in Section 4-71, no licensee or employee or agent of a licensee shall:

- (1) Offer or deliver any free alcoholic beverage to any person or group of persons;
- (2) Deliver more than two alcoholic beverages to one person at one time;
- (3) Sell, offer to sell, or deliver to any person or group of persons any alcoholic beverage at a price less than the price regularly charged for such alcoholic beverage during the same calendar week, except at private functions not opened to the public;
- (4) Sell, offer to sell, or deliver to any person or group of persons an unlimited number of alcoholic beverages during any set period of time for a fixed price, except at private functions not opened to the public;
- (5) Sell, offer to sell, or deliver alcoholic beverages to any person or group of persons at any one day at prices less than those charged the general public on that day, except at private functions not opened to the public;
- (6) Sell, offer to sell, or deliver alcoholic beverages, including malt beverages, by the pitcher, except to two or more persons at any one time;
- (7) Increase the volume of alcohol contained in a drink without increasing proportionately the price regularly charged for such alcoholic beverage during the same calendar week;
- (8) Encourage or permit on the licensed premises any game or contest which involves the drinking of alcoholic beverages or the awarding of alcoholic beverages as a prize.

(c) No licensee shall advertise or promote in any way, whether within or without the licensed premises, any of the practices prohibited under subsection (b) of this section.

(d) No provision of this section shall be construed to prohibit licensees from offering free food or entertainment at any time, provided all patrons are allowed equal access to such free food, or to prohibit the sale or delivery of wine by the

bottle or carafe when sold with meals or to more than one person. Otherwise no food and alcoholic beverage package may be offered by any licensee.

(Ord. of 2-14-2008, § 18-241)

Sec. 4-134. - Security cameras required for certain establishments selling alcoholic beverages.

(a) Any licensee who sells any alcoholic beverage packages to go, is hereby required to install a continuous video recording system dedicated to each register area with camera and lens of a type, number and location approved by the chief of police department. Such cameras must be capable of producing a retrievable and identifiable image on file or tape that can be made a permanent record and that can be enlarged through projection or other means.

(b) Cameras meeting the requirements of this section shall be maintained in proper working order at all times and shall be in operation at all hours in which such establishment is open for business. The camera shall be subject to periodic inspection by city personnel. In the event the camera becomes inoperable, the licensee must have the camera repaired or have availability of a backup camera system within a ten-day period of time. In addition, in the event the camera becomes inoperable, the licensee must immediately notify the city clerk or his designee. If a crime occurs or an employee believes a crime has occurred, the police department shall be contacted immediately and the film retrieved by a designated police officer.

(c) Violation of any provision under this section shall constitute an offense hereunder and shall be punishable as follows:

(1) On a first offense there shall be a minimum fine of \$250.00. In addition to said fine, the judge of the municipal court may impose, at his discretion, a suspension of all city alcoholic beverage licenses at the establishment for a period of time not to exceed 30 days.

(2) On the second offense, if within 12 months of the first, there shall be a fine of \$1,000.00. In addition to said fine, the judge of the municipal court may impose, at his discretion, a suspension of all alcoholic beverage licenses at the establishment for a minimum of 60 days.

(3) Any further offenses shall subject the licensee to automatic revocation of the alcohol license.

(Ord. of 2-14-2008, § 18-242)